

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



Planning Committee

Agenda

Monday, 11th May, 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>



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

PLANNING COMMITTEE AGENDA

Please ensure that all mobile phones are switched to silent

DATE: Monday, 11th May, 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 - 12)

To confirm as a correct record the Minutes of the Meeting held on 13 April 2026 (previously circulated).

3. DECLARATIONS OF INTEREST (Page 13)

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 (Page 14)

The Committee is asked to note the Index of Applications.

9. DECISION ON APPLICATIONS (Pages 15 - 103)

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

10. DELEGATED DECISIONS (Page 104)

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

11. QUALITY OF DECISIONS (Page 105)

To receive the Quality of Decisions.

To: Members of the Planning Committee

Councillors B Aota, T Barclay, R Blunt, 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 14 May 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, 13th April, 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, T Barclay, R Blunt, A Bubb, M de Whalley, T de Winton, P Devulapalli, S Everett, J Fry, J Moriarty (sub), C Rose, A Ryves, Mrs V Spikings and M Storey

PC104: **APOLOGIES**

Apologies for absence were received from Councillor Lintern (Councillor Moriarty sub).

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

PC105: **MINUTES**

The minutes of the meeting held on 2 March 2026 were agreed as a correct record and signed by the Chair.

PC106: **DECLARATIONS OF INTEREST**

Councillor Everitt advised that he would be withdrawing from the meeting in relation to application 25/00627/FM – King's Lynn, as the applicant was his landlord.

PC107: **URGENT BUSINESS UNDER STANDING ORDER 7**

There was no urgent business under Standing Order 7.

PC108: **MEMBERS ATTENDING UNDER STANDING ORDER 34**

The following Councillor attended and addressed the Committee in relation to Standing Order 34:

Councillor B Jones 9/2(a) King's Lynn

PC109: **CHAIR'S CORRESPONDENCE**

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

PC110: **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.

PC111: **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) – (iii) below, where appropriate to the conditions and reasons or grounds of refusal, set out in the schedules signed by the Chair.

(i) 25/01391/FM

Docking: Land east of Bennet Mews, south and west of Sandy Lane: 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): Vello Ltd

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

The case officer reminded Members that the application had been deferred from the Planning Committee held on 2 February 2026 and then again on 2 March 2026 in order to seek further information in relation to Anglian Water's objection relating to foul water drainage capacity at Heacham Water Recycling Centre.

It was reported that from 1 April 2026, Anglian Water would be changing their methodology for calculating capacity at their Water Recycling Centres. This had resulted in a change in position for Heacham Water Recycling Centre. The latest correspondence received stated that Heacham Water Recycling Centre was operating within the accepted parameters and could accommodate the flows arising from the proposed development.

Members were informed that for ease of use, amendments had been made to the March report (in bold) which also included 'Receipt of correspondence received after publication of the agenda.

Full planning permission was 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 had been amended since its original submission from 6 dwellings to 5 dwellings. This would now result in a total of 9 dwellings using the existing private access which was the maximum allowed under NCC Highways policy.

Foul water drainage would be to the public sewer.

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

Councillor Ryves and the Assistant Director debated the legal right to connect to the sewer, referencing both a KC's legal opinion and Supreme Court case law. The Assistant Director confirmed that case law established an absolute right to connect, which overrode environmental objections.

Councillor de Winton proposed that the Committee should go to the vote and approve the application. This was seconded by Councillor Bubb.

Following legal advice it was agreed to continue with the debate.

Councillor Ryves raised concerns about access arrangements, particularly for refuse collection and delivery vehicles, questioning whether the road layout allowed safe turning and access. The case officer responded that the local highway authority had no objections and confirmed turning areas existed for delivery vehicles.

The Legal Advisor advised that the Committee should now go to the vote.

The Democratic Services Officer then carried out a roll call on the recommendation to approve the application and, after having been put to the vote, was carried (12 votes for and 3 against).

RESOLVED:A: That the application be **approved**, subject to the completion of a Section 106 Agreement 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 be **refused** on the failure to secure Affordable Housing in line with Policy LP28 of the Local Plan.

(ii) 25/00627/FM
King's Lynn: Former North Lynn Community Centre, Lawrence Road: Proposed residential development of 22 affordable dwellings following demolition of former community centre building: Freebridge Community Housing

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

Councillor Everitt withdrew from the meeting and took no part in the debate or decision, as the applicant was his landlord.

The case officer introduced the report and explained that full planning permission was sought by Freebridge Community Housing for the construction of 22 Affordable Dwellings on land at Lawrence Road, King's Lynn on land at Lawrence Road, King's Lynn on land which was the former North Lynn Community Centre.

The site area totalled approximately 0.39ha and was an oval shaped parcel of land with boundaries formed by Lawrence Road and St Edmundsbury Road. To the north-west of the site was an estate of dwellings managed by Freebridge Housing, comprising a mix of heights up to 4 storeys in total.

The application site was in Flood Zone 3.

Plans had been amended during the course of the application to ensure that the Environment Agency's requirements were met in regard to flood risk and to provide for parking and visibility in line with the Local Highway Authority's requirements.

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

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, Charlotte Pursey (supporting) addressed the Committee in relation to the application.

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

The Committee questioned the adequacy of replacement community facilities, noting the Discovery Centre's distance and the lack of robust assessment for the loss of the community centre, with officers explaining that prior approval for demolition and nearby facilities (including replacement facilities run by the applicant) was considered sufficient.

Concerns were raised about the lack of on-site play provision, the distance to Edma Street Recreation Ground, and whether policy LP22 requirements were met. Officers clarified the flexible approach allowed by policy which included the enhancement of existing play areas through financial contributions.

Committee members discussed flood risk mitigation, raised floor levels, and compliance with LP30 for accessible homes, with officers explaining that rear garden access and building regulations addressed accessibility, and the Environment Agency had no objections.

Several Councillors expressed concerns about the scheme's density, lack of green space, and potential for anti-social behaviour due to design features like archways and rear parking courtyards.

It was proposed by Councillor Bubb and seconded by Councillor Storey that the application be refused on the grounds of overdevelopment of the site and failure to respect local character, which was contrary to Policies LP18, 21 and 22.

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

RESOLVED: That the application be refused, contrary to recommendation, for the following reason:

The application be refused on the grounds of overdevelopment of the site and failure to respect local character, which was contrary to Policies LP18, 21 and 22.

The Committee adjourned at 10.45 am and reconvened at 10.58 am

(iii) 26/00048/F
Northwold: Land at E575146 N297997, Inghams Lane: Retrospective application (Section 73A) to retain agricultural building and hardstanding: Mr Robert Storey

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

The case officer presented the report and explained that the application related to an agricultural storage barn situated at the northern end of Inghams Lane, a Public Right of Way in Northwold.

Retrospective planning permission (S73A) was sought for the retention of the building and hardstanding.

The building measured approximately 45.2m x 15m (678 m² total floor area) by 7.8m in height (to the ridge). It was used for general purpose agricultural storage, mainly for hay and straw, feedstuffs, tractors and agricultural implements.

Whilst Northwold was classified as a Key Rural Service Centre (Tier 4 Settlement) with Methwold, the site was located of the development boundary and in the open countryside.

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

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

Councillor Storey advised that the applicant was not related to him.

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

RESOLVED: That the application be approved as recommended.

PC112: **PLANNING ENFORCEMENT REPORT**

The Enforcement Team Leader introduced the report and explained that the report provided Members with an update on service performance for planning enforcement during the financial year 2025 – 2026 (April 2025 to March 2026).

The report detailed that the total number of live cases received was 568 and 557 cases had been closed with the total number of current live cases pending was 289. The reasons for the closure had been outlined in the report. Also, during that period 19 Notices had been served. It was also noted that three interim injunctions had been authorised by the Court.

The report also outlined the staffing structure within the Enforcement Team.

Councillor Spikings raised concerns about fairness in enforcement when one party submits a retrospective application and another does not. It was explained that enforcement decisions were based on

expediency, compliance with local plan policies, and proportionality, as outlined in national guidance.

Councillor Blunt and others queried the meaning of 'pending consideration' and the lack of visible progress on longstanding cases; officers clarified that background work may not be reflected in the public system and offered to provide updates directly to councillors.

Committee members requested improved communication regarding enforcement case outcomes, especially when cases dropped off the list or notices were issued, with officers agreeing to explore ways to notify ward councillors and parish councils.

Officers explained the practical consequences of various enforcement notices, including enforcement, planning contravention, requisition for information, and breach of condition notices, detailing potential prosecution and council actions.

Councillors requested updates on specific cases with officers agreeing to provide follow-up information and ensure relevant Councillors were kept informed.

RESOLVED: (1) That the report be noted.

(2) That officers give consideration to the most efficient and effective way to keep ward councillors informed about enforcement decisions in their wards without taking up excessive officer time.

PC113: **DELEGATED DECISIONS**

The Committee received the delegated report.

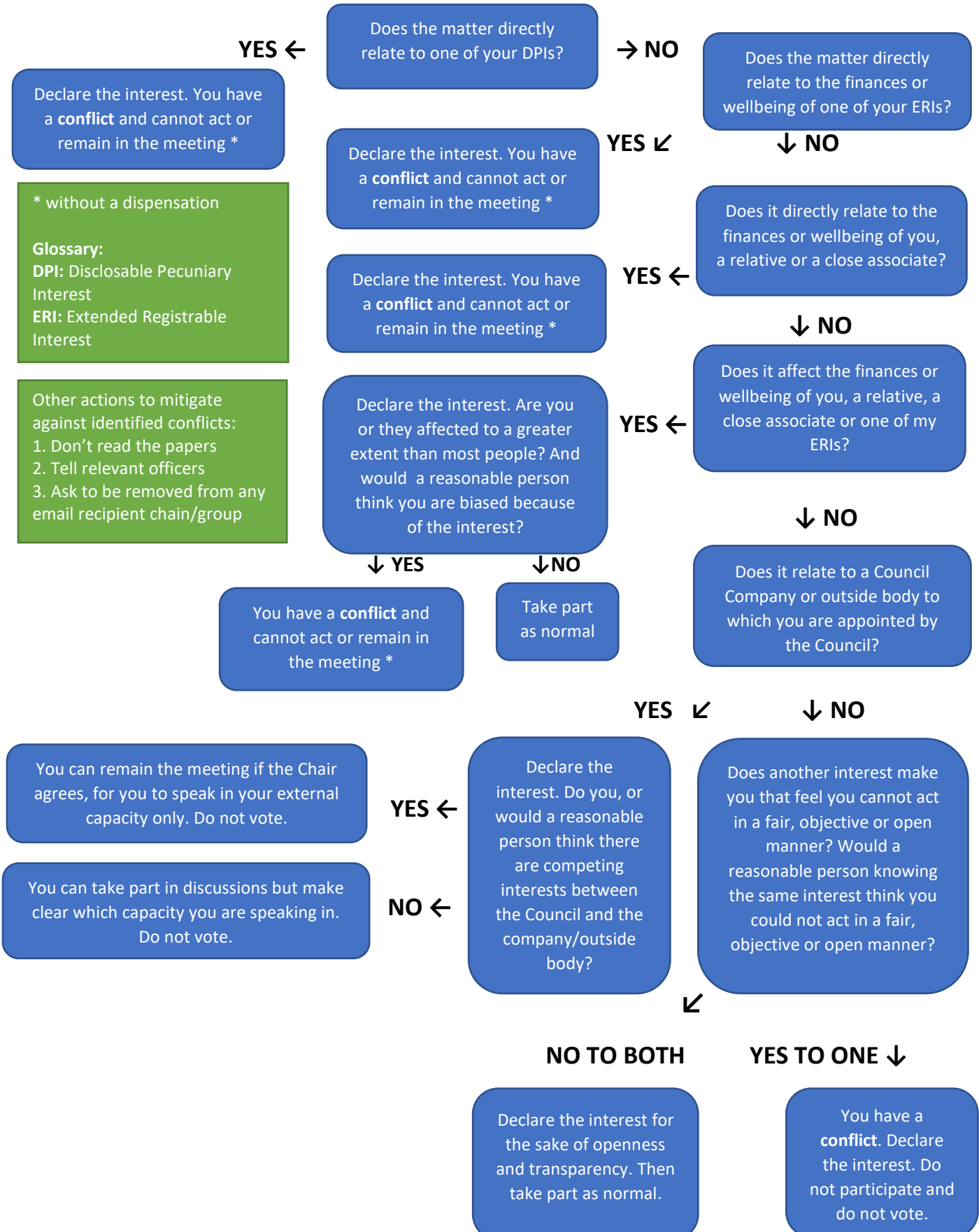
RESOLVED: That the report be noted.

The meeting closed at 11.19 am

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

YES ←

Does the matter directly relate to one of your DPIs?

→ NO

Does the matter directly relate to the finances or wellbeing of one of your ERIs?

↓ NO

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

YES ↙

Does it directly relate to the finances or wellbeing of you, a relative or a close associate?

↓ NO

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

YES ←

Does it affect the finances or wellbeing of you, a relative, a close associate or one of my ERIs?

↓ NO

Declare the interest. Are you or they affected to a greater extent than most people? And would a reasonable person think you are biased because of the interest?

YES ←

↓ YES

↓ NO

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

Take part as normal

Does it relate to a Council Company or outside body to which you are appointed by the Council?

YES ↙

↓ NO

You can remain the meeting if the Chair agrees, for you to speak in your external capacity only. Do not vote.

YES ←

Declare the interest. Do you, or would a reasonable person think there are competing interests between the Council and the company/outside body?

Does another interest make you that feel you cannot act in a fair, objective or open manner? Would a reasonable person knowing the same interest think you could not act in a fair, objective or open manner?

You can take part in discussions but make clear which capacity you are speaking in. Do not vote.

NO ←

↙

NO TO BOTH

YES TO ONE ↓

Declare the interest for the sake of openness and transparency. Then take part as normal.

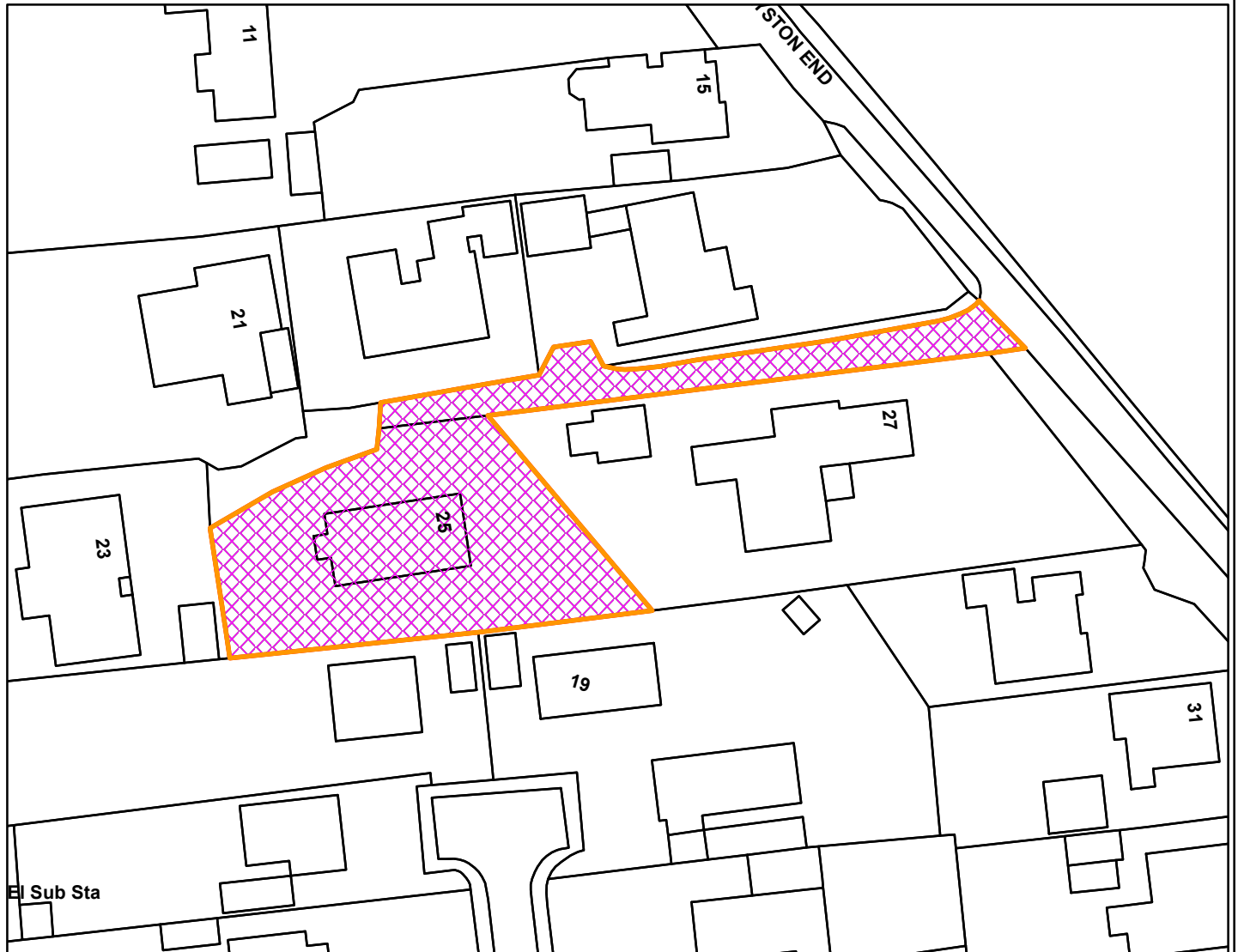
You have a **conflict**. Declare the interest. Do not participate and do not vote.

**INDEX OF APPLICATIONS TO BE DETERMINED
BY THE PLANNING COMMITTEE AT THE MEETING
TO BE HELD ON MONDAY 11 MAY 2026**

Item No.	Application No. Location and Description of Site Development	PARISH	Recommendation	Page No.
9/1 OTHER APPLICATIONS/APPLICATIONS REQUIRING REFERENCE TO THE COMMITTEE				
9/1(a)	26/00414/F - Householder: Retrospective: Erection of detached garage at Melanna 25 Ryston End Downham Market Norfolk PE38 9AX	DOWNHAM MARKET	APPROVE	15
9/1(b)	26/00370/F - SELF BUILD- Demolition of existing buildings and erection of x3 self-build semi-detached dwellings on class Q approved land at Nissan Hut and Farm Buildings N of Harston Black Drove Marshland St James Norfolk PE14 8JX	MARSHLAND ST JAMES	REFUSE	24
9/1(c)	25/01749/O - SELF BUILD: Proposed 3no. self-build plots at Land At E554871 N314281 S of 53 Church Road Tilney St Lawrence PE34 4QQ	TILNEY ST LAWRENCE	REFUSE	48
9/1(d)	25/01775/O - SELF BUILD: Proposed 3no. self-build plots at Land North of 37 Church Road Tilney St Lawrence PE34 4QQ	TILNEY ST LAWRENCE	REFUSE	68
9/1(e)	26/00275/F - Change of use from agricultural land to a dog walking field and associated car parking, access, storage container, lighting, mobile field shelter, fencing and landscaping at Land North of Horsehead Drove Three Holes Norfolk PE14 9JJ	UPWELL	REFUSE	91

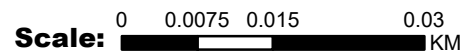


Melanna 25 Ryston End Downham Market PE38 9AX



Legend

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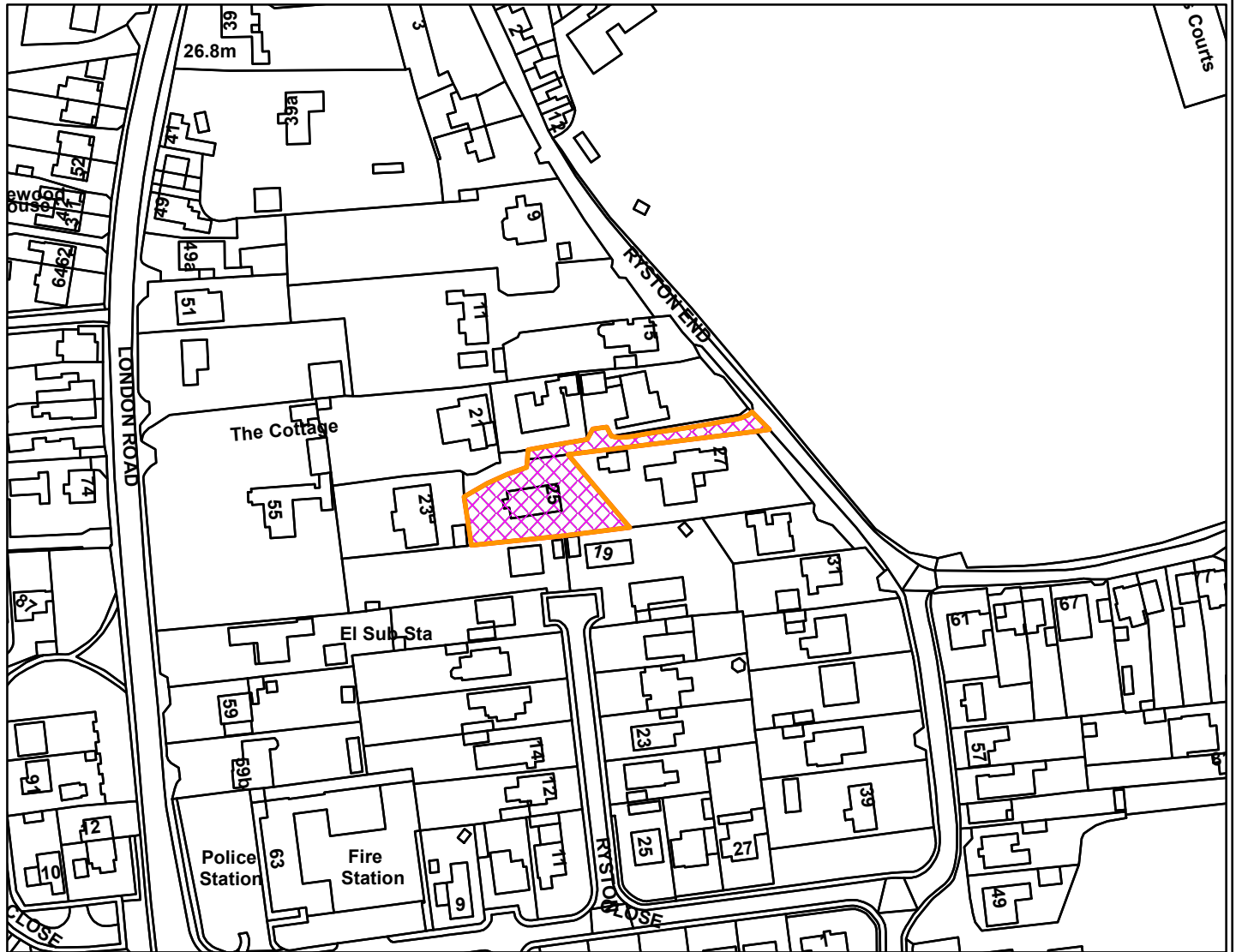


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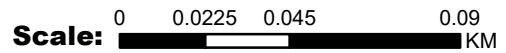
Organisation	BCKLWN
Department	Department
Comments	Not Set
Date	29/04/2026
MSA Number	0100024314



Melanna 25 Ryston End Downham Market PE38 9AX



Legend



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Ordnance Survey AC0000819234

Organisation	BCKLWN
Department	Department
Comments	Not Set
Date	29/04/2026
MSA Number	0100024314

AGENDA ITEM NO. 9/1(a)

Parish:	Downham Market	
Proposal:	Householder: Retrospective: Erection of Detached Garage	
Location:	Melanna 25 Ryston End Downham Market Norfolk PE38 9AX	
Applicant:	Peter Humphrey Associates	
Case No:	26/00414/F (Full Application)	
Case Officer:	Tom Ellis-Daish	Date for Determination: 1 May 2026 Extension of Time Expiry Date: 15 May 2026

Reason for Referral to Planning Committee – Call in by Cllr Osbourne.

Neighbourhood Plan: No

Case Summary

Permission was granted under application 25/01624/F for alterations to an existing dwelling and the erection of a garage in November 2025. Works on the garage then commenced and as it was not being constructed in accordance with the approved plans, it was reported to the Planning Enforcement Team. An application was then subsequently received, reference number 26/00155/F, which was subsequently withdrawn in March 2026. The current application was then received in March 2026.

Key Issues

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

Recommendation

APPROVE

THE APPLICATION

Retrospective permission is sought for the erection of a detached garage.

The approximate dimensions of the garage are 6m in height, with a height of 3.1m to the eaves, 7m in width and 9m in depth. The garage is to be rendered. The garage consists of two floors, with storage above the garage itself and a lobby room. The garage door to the front of the proposal is of a double width. A window is present at ground floor level to the

rear, a rooflight is present in the southwestern roofspace and two doors are present toward the rear on the southwestern elevation.

The proposal differs from the permission granted under application 25/01624/F, which had approximate dimensions of 5.65m in height, 2.7m to the eaves, 7m in depth (shown as 9m on the floorplan and site plan due to an inconsistency), and 7m in width. The proposal under this application did not include an upper floor, rooflight or windows. A single door was included and was also on the southwestern elevation but was toward the front rather than the rear.

The proposal has also been sited differently to the garage approved under 25/01624/F, being approx. 3.6m further to the north than approved.

APPLICANT/AGENT SUPPORTING CASE

No supporting case has been received at the time of writing this report.

PLANNING HISTORY

26/00155/F: Application Withdrawn: 03/03/26 - Retrospective: Householder: Proposed detached garage.

25/01624/F: Application Permitted (Delegated): 17/11/25 - Erection of a porch to the front of the house, alteration of the house exterior, erection of free-standing garage to the side of the house.

RESPONSE TO CONSULTATION

Town Council: Objects.

- The applicant has not addressed the concerns previously raised and appears to have made the situation worse.
- Of serious concern is that the applicant is continuing to construct the building without permission being in place, for example the roof is now in place and work continues internally.

("Concerns previously raised" is taken to refer to concerns raised under withdrawn application 26/00155/F, and are summarised below)

- The application bears no resemblance to the original plans,
- Support views of objectors, noting the increased height overshadowing neighbouring properties which are mainly bungalows, a loss of outlook and privacy with the inclusion of doors and windows not originally shown on the plans
- Cllrs raise concerns that the original plans have been misrepresented and the new design hints at a use incompatible with a residential single garage.

Ward Councillor:

"I wish to call in this application as I did with the previous one as I believe some of the concerns from before should still be considered by the planning committee".

The Cllr makes reference to withdrawn application 26/00155/F, on which their reason for calling in the application was given as follows:

“So that they (the committee) can determine if the increased height and increased numbers of doors and windows in this application compared to before lead to a loss of privacy for neighbouring properties and impact the appearance of the area.”

REPRESENTATIONS

FIVE letters of **OBJECTION** have been received at the time of writing this report. An additional comment has also been received that clarifies that a support comment was incorrectly registered. This has since been rectified. The letters of objection are summarised as follows:

- The original plans (in reference to 25/01624/F) were in-keeping with this small bungalow residential area and we never opposed them.
- The roofline is considerably higher than all adjacent properties and not as stated.
- The garage can be seen from surrounding roads.
- The garage overpowers the plot and surrounding properties, being out of character and oversized.
- The resubmission has not addressed the height of the garage or situation with the windows.
- The resubmission seems to be a delay to proceedings to enable completion of the structure.
- Applicant appears to have little respect for planning processes and laws.
- The top floor of the structure has its own separate access and two windows which is more suggestive of a self-contained domestic residence than a garage.
- Volume of the garage is larger than the habitable space in the existing bungalow.
- The planning statement's claim that the building is 70% complete is untrue.
- Application incorrectly states that the site cannot be seen from a public road, footpath etc- the site can be seen all the way down Ryston Close as well as on Ryston End.
- Suggest that an application for an annexe will soon follow.
- The 375mm increase in height is there difference between seeing two doors and a windows (2 windows if this application is successful) or not. The effect of this change is therefore substantial.
- Anyone entering or existing the new building will overlook the third party's rear garden and will be able to look into their rear bedroom windows. The latest application states that the doors are at ground level with no overlooking issues, which is not true.
- The area is not prone to flooding and therefore there is no justification to construct a 300mm foundation above ground level. The decision to commence the build 300mm above ground level has significantly impacted the overall height.
- Trust that the decision will not be influenced by the fact that the building has already been constructed.

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

LP06 - Climate Change (Strategic Policy)

LP18 - Design & Sustainable Development (Strategic Policy)

LP20 - Environmental Assets- Historic Environment (Strategic Policy)

LP21 - Environment, Design and Amenity (Strategic Policy)

LP41 - Downham Market (Strategic Policy)

NEIGHBOURHOOD PLAN POLICIES

NATIONAL GUIDANCE

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

OTHER GUIDANCE

PLANNING CONSIDERATIONS

The main considerations are:

- Principle of development and planning history
- Form and character
- Impact on neighbour amenity
- Any other matters requiring consideration prior to determination of the 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 the Local Plan (2021-2040).

The principle of an outbuilding to an existing dwelling is generally acceptable, subject to compliance with local and national planning policy and guidance.

In this instance, a similarly sited garage (although previously further to the rear of the plot) was approved under application 25/01624/F, which remains extant.

Section 73A of The Town and Country Planning Act 1990 allows for the granting of permission for development carried out without permission.

There is provision under Section 73 of the Town and Country Planning Act 1990 to vary conditions attached to a previous permission, however this has not been utilised in this instance. Therefore the development as a whole can be considered.

As such, the principle of the siting of a garage in this location has also been found acceptable. As the garage approved under 25/01624/F remains extant, it should be afforded significant weight as a fallback permission to this application.

Form and Character:

The site is located along a gravel road within the development boundary for Downham Market and accommodates a single storey detached dwelling of buff brick construction. To the eastern side of the dwelling is a garage, which is the subject of this application. At the time of site visit, the garage appeared to be nearing completion (not in accordance with the approved plans), with doors inserted and the roof complete. Works to the dwelling were also approved under 25/01624/F, but do not appear to have commenced.

The boundary treatments to the site comprise an approx. 1.9m high closed board fence to the south and an approx. 1.8m high closed board fence with an approx. 2.2m high hedge to the east.

The surrounding area comprises other detached single storey, buff brick dwellings with some two storey dwellings visible. A rendered dwelling is also visible.

The garage is constructed is approx. 0.375m taller than the previously approved garage and includes an upper floor storage area where previously there would have been no upper floor. The additional height results from the inclusion of a 300mm base and an additional 75mm brick course. The resulting approximate dimensions of the garage are 6m in height, 7m in width and 9m in depth (9.5m including roof overhangs), where the previous garage measured approx. 5.65m in height, 2.7m to the eaves, 7m in depth (shown as 9m on the floorplan and site plan due to an inconsistency), and 7m in width.

There is also an additional door, leading to a lobby area with stairs to the upper floor. Another side door has been re-located toward the rear of the proposal and a ground floor window has been inserted to the rear (southeast) of the structure and rooflight to the western roof space.

The proposal would be finished in an off-white render and has a brown concrete tile roof.

The garage is visible from the western edge of the Downham Market Conservation Area, which occupies the western edge of the playing field of the Downham Market College and High School to the northeast of Ryston End. However, views from here are limited and the proposal is not considered to pose detrimental impacts on the Conservation Area. The Conservation Officer has verbally confirmed that they have no objection to the proposal in relation to the Conservation Area.

Whilst it is acknowledged that the proposal is tall, with a total height of approx. 6m, the difference of 0.375m over the approved garage does not adversely impact the character and appearance of the area.

Whilst this application is not a S.73 variation of application 25/01624/F, it is noted that Town Council comments on that application stated that “the new garage fits well within the site and enhances the value and appearance of the property”. No comment was made on the height of the proposal, and no third-party objections were received.

As such, the proposal is considered to accord with the requirements of Policies LP18, LP20, LP21 and LP41 of the Local Plan.

Impact on Neighbour Amenity:

Different elements of amenity impacts have been addressed in turn below:

Overshadowing:

Due to the path of the sun, the proposal would not cause adverse overshadowing impacts to the south. The host dwelling would receive a portion of overshadowing in the mornings, but the impact of this is not considered to be adverse.

The proposal approx. 3.6m closer to the dwelling opposite to the north, in addition to being 0.375m taller. Some additional shadow would be cast over the highway and toward the dwelling opposite to the north at midday in winter months (when shadows are longer), but not to such an extent that that application should be refused.

To the east, the effect of the additional height and revised siting is not significantly different from the permission granted under application 25/01624/F.

Overlooking:

The revised proposal includes a window at ground floor level to the rear (southeast), and two doors to the side (southwest). Due to the orientation and siting of the garage within the plot, the window to the southeast faces toward the neighbouring dwelling to the rear (south). A site visit to the neighbouring property has been undertaken, and it is apparent that this window is visible from two bedroom windows on the northern elevation of the dwelling to the south, as well as their garden and courtyard. The distance between these windows and the window of the garage is approx. 10m. The lower edge of the pane of the window is approx. 1.4m above ground level and the upper edge of the pane of the window is approx. 2.5m above ground level. Given the proposed use of the building as a garage, and that this window would serve a lobby area, through which movement is generally made and the user is unlikely to dwell, it is not considered that a refusal could be substantiated. If the use of the structure were to change in such a way that would reasonably result in increased time at this window, the impact would be considered unacceptable and therefore a condition has been attached preventing the use of the building from being anything other than a garage with storage.

The two side doors of the proposal are also visible from the bedrooms of the property to the south, giving rise to concern around overlooking when entering or exiting the garage. Previously under application 25/01624/F a side door was also proposed, but this would have been towards the front of the garage and had a maximum height of approx. 2.2m above ground level, as opposed to the approx. 2.6m of the current application. Overlooking resulting from the use of the doors would be transient, and whilst impactful is not considered to adverse to such an extent that the application should be refused. Some mitigation to the south is provided by the approx. 1.9m high boundary treatment, but this would not fully obscure the doors or window.

The proposed rooflight is not considered to result in adverse overlooking impacts as it serves a storage room rather than a habitable room and would primarily look over the host dwelling.

Overbearing:

The additional 0.375m in height of the proposal is not considered to result in the proposal being adversely overbearing to neighbouring properties. Furthermore, the revised siting brings it away from the southern boundary.

As such, the proposal is considered to accord with the requirements of Policies LP18 and LP21.

Specific comments and issues:

*There was an inconsistency between approved plans under application 25/01624/F, with the proposed elevations showing a depth of 7m and the proposed floorplan showing a depth of 9m.

- *Plan 7281/PL01/A shows a drawing entitled “Approved Section Through Garage (Ref: 25/01624/F)”. For clarity, no such drawing showing a storage area above the garage was submitted under that application. Nor was any means of access to such a space shown.
- *The development has begun on site. As such, no “time limit condition” has been attached.

CONCLUSION:

The proposal seeks retrospective consent for a garage in a residential area of Downham Market. The proposal is considered to be of an acceptable design and whilst impacts to neighbouring properties would occur, they are not to such an extent that the application should be refused. The proposal’s increase in height over the previous approval is minimal and the revised siting results in the proposal being further from the boundary line to the south. The proposal is considered to accord with the requirements of Policies LP18 and LP21 of the Local Plan and as such, it is recommended that the application be approved subject to the imposition of the following conditions:

RECOMMENDATION:

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

- 1 Condition: The development hereby permitted shall be carried out in accordance with the following approved plan drawing no:

7281/PL01/A: Proposed Drawing 1.
- 1 Reason: For the avoidance of doubt and in the interests of proper planning.
- 2 Condition: The use of the building hereby approved shall be limited to that of a domestic garage and storage area, and at no time shall be used for any other purpose without the written prior approval of the Local Planning Authority.
- 2 Reason: In the interests of the amenity of nearby occupiers, in accordance with the requirements of Policy LP21 of the Local Plan.

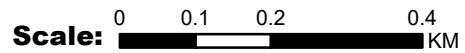


Nissan Hut and Farm Buildings N of Harston Black Drove Marshland St James PE14 8JX



Legend

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Ordnance Survey AC0000819234

Organisation	BCKLWN
Department	Department
Comments	Not Set
Date	27/04/2026
MSA Number	0100024314

AGENDA ITEM No 9/1(b)

Parish:	Marshland St James	
Proposal:	SELF BUILD- Demolition of existing buildings and erection of x3 self- build semi-detached dwellings on class Q approved land.	
Location:	Nissan Hut And Farm Buildings N of Harston Black Drove Marshland St James Norfolk PE14 8JX	
Applicant:	Mr and Mrs D and L Cousins	
Case No:	26/00370/F (Full Application)	
Case Officer:	Helena Su	Date for Determination: 29 April 2026 Extension of Time Expiry Date: 15 May 2026

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

Neighbourhood Plan: Yes

Case Summary

This application is for the erection of three self-build and custom dwellings at land to the east of Black Drove in the parish of Marshland St James.

Marshland St James is classified as a Tier 5 (Rural Village) settlement under the settlement hierarchy of policy LP01 of the Local Plan 2021-2040. The site falls outside the development boundary of Marshland St James by approximately 1.5km. The site is within the neighbourhood plan area of Marshland St James Neighbourhood Plan.

This decision will be balanced against the 'fallback' position established under planning permission 23/01765/PACU3, for conversion of an agricultural building on the site into three dwellings. This planning permission expires on 16 November 2026.

Key Issues

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

Recommendation:

REFUSE

THE APPLICATION

This application is for the erection of three self-build and custom dwellings at land to the east of Black Drove in the parish of Marshland St James.

The application site is approximately 0.47ha of grade 2 agricultural land, comprising the siting of various agricultural buildings within overgrown shrubs and grassland, along Black Drove, which is outside the built-up settlement of Marshland St James. Within the wider setting are open low-lying parcels of countryside and agricultural land with limited and sporadic residential development.

Marshland St James is classified as a Tier 5 (Rural Village) settlement under the settlement hierarchy of policy LP01 of the Local Plan 2021-2040. The site falls outside the development boundary of Marshland St James by approximately 1.5km. The site is within the neighbourhood plan area of Marshland St James Neighbourhood Plan.

This decision will be balanced against the 'fallback' position established under planning permission 23/01765/PACU3, for conversion of an agricultural building on the site into three dwellings. This planning permission expires on 16 November 2026.

The building subject to Class Q approval is currently located to the south of the site and furthest east. The building is a simple brick-built building with sheet roof covering and sliding barn doors to the west elevation.

Planning permission (reference 25/01229/F) was sought for the development of three detached dwellinghouses with associated parking, turning and landscaping across the entire site, following the demolition of the existing agricultural buildings. This application was refused due to the impact on the open countryside setting outside the development boundary due to the scale, form and appearance of the development as a whole.

The Applicant sought pre-application advice from the Council in January 2026 (reference 25/00216/PREAPP), for a nearly identical scheme to this proposal of three attached dwellings, connected by a shared carport in between, creating a court-yard area. The Council concluded that should a Full application for that scheme be submitted, it would likely to be refused.

APPLICANT/AGENT SUPPORTING CASE

Applicant Supporting Statement for Planning Application

Firstly, thank you for the opportunity to view our supporting statement of our planning application at Black Drove, Marshland St James for 3 x self- build courtyard style semi-detached dwellings for our children. We are local to the area, fourth generation farmers and would like to provide high quality bespoke homes for our children's future, for them to stay in the local area and continue farming.

The site has multiple buildings, which are derelict, unsafe and mainly beyond repair. The self-build courtyard dwellings have been designed with careful consideration to be in keeping with local traditional barns conversions. We would like to positively reuse the redundant barn, we envisaged the attractive 3 x self build courtyard style to be highly sensitive to the wonderful countryside surroundings. Our aim is to also improve the surrounding land to be landscaped and enhance the trees, shrubs etc for local wildlife in this rural area. This would enhance the look of the immediate setting, with no impact on neighbours and in keeping with the countryside. There would be ample and safe parking for the dwellings and all off road.

Thank you for your consideration.

Kind Regards

Daniel and Louise Cousins

Agent Supporting Statement for Planning Application

This statement has been prepared in support of a full planning application seeking permission for the demolition of existing derelict and disused agricultural buildings and the erection of three self-build residential dwellings.

A key material consideration in the determination of this application is the established fallback position. The site benefits from an existing Class Q approval for the conversion of the largest barn into three residential units. This is a significant factor, as it confirms that the principle of residential development on the site has already been accepted and that three dwellings could be delivered under permitted development rights. The current proposal represents a more considered and higher-quality form of development when compared to the fallback scheme. Drawing design from traditional agricultural forms and incorporating barn-like features into a courtyard arrangement creating a sense of a more enclosure characteristic of historic farmsteads while ensuring that the development sits comfortably within the landscape and avoids unnecessary visual prominence.

In support of the application, evidence has been submitted demonstrating that comparable developments within the district, including schemes of a larger footprint with no previous Class Q fallback application submitted, have been granted planning permission (example ref: 25/01697/F). These decisions indicate a clear and consistent approach by the local planning authority in supporting the redevelopment of redundant agricultural sites for residential use where proposals are well designed and contextually appropriate. In this regard, the current scheme is modest and aligns with established planning outcomes, visually respecting the character of the countryside.

The proposal delivers a number of clear and tangible benefits. It facilitates the removal of derelict structures that would only be left to worsen and detract from the rural environment, introduces a high-quality and sensitive design that reflects the site's agricultural heritage, and provides housing that meets a genuine family need. It also supports the long-term sustainability of a multi-generational farming enterprise and represents a more desirable outcome than the approved fallback position.

There are no adverse impacts associated with the development that would significantly or demonstrably outweigh these benefits.
We appreciate your time.

Kind Regards

Sarah-Jane Knight on behalf of J Knight Design.

PLANNING HISTORY

25/00216/PREAPP: Likely to Refuse: 09.01.2026 - PRE-APPLICATION FULL (WITH CONSULTATIONS) AND A MEETING WITH A PLANNING OFFICER: Full planning for the demolition of existing buildings and erection of 3no. self build dwellings

25/01229/F: Application Refused: 24/09/25 - Full planning application for the demolition of existing buildings, and removal of hardstanding and remnants of previous building on site, and erection of 3no. detached two storey self-build dwellings with associated access, parking and landscaping. (Self-build)

23/01765/PACU3: Prior Approval - Approved: 16/11/23 - Notification for Prior Approval: Change of Use of Agricultural Building to 3no. Dwellinghouse (Schedule 2, Part 3, Class Q)

23/00111/PACU3: Prior Approval - Approved: 31/03/23 - Notification for Prior Approval: Change of use of Agricultural Buildings to Dwellinghouse (Schedule 2, Part 3, Class Q)

RESPONSE TO CONSULTATION

Parish Council: SUPPORT.

Local Highways Authority:

Being mindful that approval on the site for 3 dwellings has been gained under planning reference 23/01765/PACU3 and together with consideration of the historic use classes. Although the unclassified network providing access to the site is not ideal due to the narrow carriage width of Black Drove, we believe that it would be difficult to substantiate an objection to the application on highway safety grounds.

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

It is the view of the Highway Authority that the proposed development is likely to conflict with the aims of sustainable development and you may wish to consider this point within your overall assessment of the site.

Internal Drainage Board:

Consent is required under Byelaw 3 to discharge water to a watercourse. As Land Drainage Consent is required, the Board strongly recommends that this is sought from the Board prior to determination of this planning application.

Anglian Water: NO COMMENT.

Please be advised that there are no public sewers within the vicinity of the proposed development, and therefore Anglian Water will be unable to serve the sites drainage requirements.

Environmental Health & Housing - Environmental Quality: NO OBJECTION with suggested conditions and informative.

The application is for demolition of existing buildings and hardstanding, construction of 3 dwellings.

The applicant has provided a screening assessment has been submitted stating no known contamination other than suspected asbestos containing material within the roof of the structure.

Previous applications for a much smaller portion of the site indicates that one of the structures had use as an agricultural storage building.

We have reviewed our files and the site is first seen with structures present on the north of site in historic maps dated 1891-1912. A pond is also seen in this map which later looks to have been infilled. The site is more widely developed in historic maps dated 1945-1970. The surrounding landscape is largely agricultural.

Environment Agency: NO OBJECTION

Strongly recommend that the mitigation measures proposed in the submitted Flood Risk Assessment (FRA), referenced 'ECL0982-3a/J KNIGHT DESIGN' and dated February 2026, are adhered to. In particular, the FRA recommends that:

- Finished floor levels will be set no lower than -0.1 mAOD.
- Flood resilient measures will be incorporated into the development up to 0.3 m above finished floor levels.

Senior Ecologist: NO OBJECTION

Bats

A subsequent emergence survey was undertaken on 16/06/2025 and reported within the Phase 2 bat Survey Report. No bats were seen emerging from the buildings and very low general bat activity (a single serotine pass). No further survey is required but mitigation is recommended and proposed within Section 6 of the Phase 2 Bat Survey Report. This mitigation/enhancement strategy should be condition as part of any planning consent.

Badgers

The PEA reported that overview photos of the site (provided by the architect and taken in November 2024) showed large mammal holes within Barn B3. These were not visible during the PEA site visit, but some works had taken place in the barn since the photograph was taken. Camera trap surveys were subsequently recommended to determine the use of Barn B3 by badger.

The results of the camera trap survey are reported within the Badger Survey Report. Two camera traps were installed on the 07/03/2025 and left out on site for over a month. No evidence of any new holes being dug were noted.

No badger activity was noted on either camera, however little owl, stock dove, jackdaw and mallard were noted using the barn. Due to the presence of little owl on site a pole mounted owl box is proposed. This should form part of any condition to secure required mitigation alongside that required for bats.

Since a mitigation strategy has already been prepared within the Bat survey report and confirmed within the badger survey report, any condition should be worded so that the applicant must submit evidence of installation of required features prior to occupation of any proposed dwellings.

Biodiversity Net Gain

The applicant has claimed an exemption from Biodiversity Net Gain under the custom and self-build exemption. This must be secured via legal agreement.

Norfolk Constabulary - Secured by Design: Offered advice on how to provide a secure design. Full comment on public access dated 09 March 2026.

REPRESENTATIONS None received.

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

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

LP02 - Residential Development on Windfall Sites (Strategic Policy)

LP03 - Neighbourhood Plans (Strategic Policy)

LP06 - Climate Change (Strategic Policy)

LP13 - Transportation (Strategic Policy)

LP14 - Parking Provision in New Development

LP18 - Design & Sustainable Development (Strategic Policy)

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

LP21 - Environment, Design and Amenity (Strategic Policy)

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

LP30 - Adaptable & Accessible Homes (Strategic Policy)

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

NEIGHBOURHOOD PLAN POLICIES

MSJ5 - Design

MSJ6 - Residential Parking Requirements

NATIONAL GUIDANCE

National Planning Policy Framework (NPPF)

Planning Practice Guidance (PPG)

National Design Guide 2021

OTHER GUIDANCE

PLANNING CONSIDERATIONS

The main considerations are:

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

Planning History:

In March 2023, prior approval under Schedule 2, Part 3, Class Q of the Town and Country Planning (General Permitted Development) order 2015 was granted for the conversion of a brick built agricultural building on the site to be converted to one dwellinghouse. A subsequent prior approval application was submitted for the same building to be converted into three dwellinghouses. This was approved in November 2023.

More recently, a Full application was submitted for the demolition of all the buildings on the site, for the erection of three large detached dwellinghouses with associated landscaping, covering the entire site within the Applicant's ownership (approximately 93m). This planning application (reference 25/01229/F) was refused for the following reason:

The proposed development by reason of its scale, form and appearance would constitute an over development of the site in open countryside outside the development boundary. It would result in a development that would be at odds with the rural character and appearance of the immediate locality and wider views of the site. The proposal would therefore have a detrimental visual impact upon the rural character and appearance of the countryside in this location contrary to paragraph 135 and 187 of the NPPF and Policies LP02, LP04 LP18, LP19, LP21 and LP31 of the Local Plan 2021-2040.

A pre-application enquiry, for the demolition of existing buildings and erection of three self-build dwellinghouses, was submitted following the previous refusal decision (reference 25/00216/PREAPP). The indicative plans submitted with the pre-application enquiry are largely similar to the submission of this application. The Council concluded that should a Full application for that scheme be submitted, it would likely to be refused as it was concluded that there would be no material considerations which would outweigh the policies of the Local Plan 2021-2040 when considering the principle of development, sustainability of the site, and impact to the setting of the countryside.

Principle of Development:

The application site falls within the Parish of Marshland St James but is approximately 1.5km from the development boundary. Marshland St James is identified as a Tier 5 settlement under LP01 of the Local Plan 2021-2040. Under LP02 (Residential Developments on Windfall Sites), in tier 5-6 settlements, residential developments would not normally be supported outside the development boundary unless allocated through the Local Plan or Neighbourhood Plans. Marshland St James does have a Neighbourhood Plan, but the site is not allocated. Nor is the site an allocation through the Local Plan.

Moreover, Appendix I of the Local Plan 2021-2040 identifies a housing need of 3 in Marshland St James. This need has been met within the development boundary of Marshland St James.

The Applicant believes there is a valid fallback position under the granted of consent under Part 3, Class Q of the Town and Country Planning (General Permitted Development) Order 2015 (as amended), for an agricultural building to the southern part of the application site to be converted into three dwellinghouses (reference 23/01765/PACU3).

Gambone v SSCLG1 [2014] EWHC 952 (Admin) establishes that a 'fall-back' is a two-stage approach. First, the decision maker should determine whether the fall-back position is a material consideration. If so, they then must decide what weight is attached to it.

The status and concept of a fall-back development as a material consideration has been established through High Court Cases. Precedent judgements have referred to Class Q of the GDPO as a 'fall-back' position and state that Councils should satisfy themselves that there is a 'real prospect' of the 'fall-back' development being implemented. For a 'fall-back' position to be considered a 'real prospect', it does not have to be probable or likely: a possibility will suffice.

The Class Q application for three dwellings was approved on 16 November 2023. Approval under Class Q is subject to conditions of the same part. Q.2(4) states that *Development under Class Q is permitted subject to the condition that development ... if any, must be completed within a period of 3 years starting with the prior approval date.* In order for the fallback position to be afforded significant weight, there needs to be a real prospect of the Class Q approval being completed by 16 November 2026. At the time of the site visit in March 2026, development had not yet commenced. It is considered that there is a low prospect that the Class Q approval could be completed in this timeframe.

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The Applicant believes there is a valid fallback position under the granted of consent under Part 3, Class Q of the Town and Country Planning (General Permitted Development) Order (GDPO) 2015 (as amended), for an agricultural building to the southern part of the application site to be converted into three dwellinghouses (reference 23/01765/PACU3).

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Furthermore, an Inspector of a recent appeal decision at Holme Oak, Stoke Road, Wereham (appeal reference APP/V2635/W/25/3372005 / planning reference 25/00561/F) (attached as an appendix) concluded in paragraph 14 of the appeal decision, that the Applicant's intention to convert the barn should also be considered when establishing if the 'fall-back' position should be considered a material consideration. The Applicant had applied for planning permission, for the construction of three dwellinghouses across the whole site in September 2025. This application is considered a repeat submission, for three larger dwellinghouses, in contrast to the previously approved Class Q scheme. The scale and nature of the proposal demonstrate the Applicant have no intention of converting the agricultural building which has approval under Class Q into three modest units of residential accommodation.

Lastly, other judgements from the Inspectorate also state that for significant weight to be afforded to the 'fall-back' position, it would need to be equally, or more harmful than the Class Q approval. The proposed development, being a significant increase in site area and footprint, would introduce domestic consolidation in an otherwise undeveloped open countryside setting, and is considered to be more harmful than the Class Q approval. This is discussed in detail below.

The repeat submission of an alternate proposal, which is far removed from the initial Class Q approval and would result in a scheme which is not equally, or less harmful than the Class Q approval, in combination with the limited timeframe to complete the development, would afford the 'fall-back' position very limited weight.

Whilst very limited weight is afforded to the 'fall-back' position as a material consideration, another material consideration which is afforded moderate weight is the self-build and custom (SBC) dwellinghouses. 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".

Furthermore, LP31 of the Local Plan 2021-2040 supports custom and self-build dwellings where they respect local character and comply with other relevant policies in the plan.

However, when considering the harm which the proposal would have to the rural character of Black Drove and on sustainability, the benefit of providing three SBC dwellings would not outweigh the identified harm.

Lastly, paragraph 84 of the NPPF states that planning decisions should avoid the development of isolated homes in the countryside unless there is an essential need for a rural worker to live permanently near/at their place of work; would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of heritage assets; would re-use redundant or disused buildings and enhance its immediate setting; would involve the subdivision of an existing residential building; or is of exceptional design.

The site is isolated from services, being approximately 1.5km from the closest village development boundary, and the closest residential neighbour would be over 480m away. No argument has been forwarded to justify the development in line with paragraph 84 of the NPPF.

To conclude, there are no material considerations advanced of such weight that would outweigh the primacy of the development plan. There is no prospect of three dwellings occupying part of the application site and being constructed within the remaining prior notification consent period and the proposal is not considered to result in less harm, or equal harm, to the approved Class Q. As such, limited weight is afforded to the fallback position. Furthermore, the self-build and custom nature of the enquiry would not outweigh the departure from the development plan when considering the sustainability of the site and impact on form and character. The principle of development would be contrary to LP02, LP06, LP13, LP18, LP19, LP21 and LP31 of the Local Plan 2021-2040 and provisions in the NPPF.

Form and Character:

Policies LP18, LP19 and LP21 of the Local Plan 2021-2040 seek 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.

Furthermore, LP31 of the Local Plan 2021-2040 supports custom and self-build dwellings where they respect local character and comply with other relevant policies in the plan.

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.

Finally, paragraph 187 of the NPPF seeks to ensure planning policies and decision should contribute and enhance the natural and local environment by protecting and enhancing valued landscapes and recognise the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services.

Policy 5 of the Neighbourhood Plan requires that development proposals should incorporate high-quality design and be consistent with the Marshland St. James Neighbourhood Plan Design Guidance and Codes (2022). The site is located within CA2 - Countryside which is characterised by low lying landscape providing panoramic views with scattered meadows, farmlands, and some farmhouses within large plots. Buildings are no taller than 2 storeys tall with pitched or hipped roofs.

In addition, in accordance with the neighbourhood plan, new development is required to have regard to the materials and colours, site layout to provide sufficient rear and front gardens, enhance key landscape features, minimise impact on dark skies, and incorporate zero carbon design.

The proposal is for a 'U' shape building comprising three two-storey dwellinghouses and attached single storey shared carports to the southern part of a large rectangular site.

Presently, the whole site spans approximately 93m wide to northern part of Black Drove. The site comprises three agricultural buildings (two brick buildings and one Nissan hut) and areas of hard standing within overgrown shrubs and grassland. The site is surrounded by open parcels of agricultural land in all directions.

The proposed dwellings of plots 1 and 2 would be semi-detached dwellings, measuring approximately 15.6m in depth, 8.5m in width and 8.7m in height. On the east elevation, a single storey lean-to addition, which would measure 5.4m in width, 3m in depth, and 4m to its highest point, is included. These dwellings would be attached to the dwelling of plot 3 by a single storey shared carport and living space of plots 2 and 3, which measures 5.6m in depth, 22.4m in width and 4.7m in height. Lastly, the dwelling of plot 3 would measure 10.1m in depth, 7m in width and 7.5m in height. The proposed dwellings and carport would be finished in a mix of red multi facing brickwork, horizontal and vertical grey treated timber cladding, slate roof tiles, clay roof tiles, UPVC window and doors, and timber post details.

The proposed dwellings and carport would be located to the south of the application site, with the northern section kept as wild grassland. To the west of the proposed dwellings and carport, a manicured front garden (approximately 20 - 27m in depth) with ornamental landscaping, comprising of existing trees and new native trees and hedgerow, is proposed. Access would be provided to the most southern part of the application site. The access and driveway area would be finished in 20mm loose gravel. Land immediately attached to the proposed dwellings would form garden. A 1.2m post and rail fence is shown around the south, east and north boundaries of the gardens. Details of the fencing in between each plot have not been specified.

It should be noted that only the existing brick building, which is located to the east of the southern part of the application site, along with approximately 139.2 square metres of garden area, benefits from Class Q approval. As part of the Class Q approval, no other landscape features, such as parking and turning area, was approved. This building is simple brick and roof sheeting building which currently measures 18.2m in depth, 7.7m in width and 6.4m in height. As part of the Class Q approval for three dwellings, on the west elevation, full length glazing is proposed to replace the existing sliding doors. On the south, east and north elevations, limited openings were proposed to provide access and natural lighting to the ground floor each proposed dwelling. Roof lights on the north and south roof slope were also proposed to provide lighting to first floor bedrooms.

Compared to the approved Class Q scheme, the site area being proposed as garden under this application would amount to approximately 603.5 square metres, and the whole site area (including parking and turning, driveway, and ornamental landscaping) would measure approximately 1,903 square metres. The proposed domestic garden area would increase by 464.3 square metres (approximately 333 percent increase) and the site area by 1763.8 square metres (approximately 1268 percent increase) when compared to the garden and site area of the Class Q approval.

The proposed building is considered more harmful than the approved Class Q scheme due to the size, bulk, and mass. The footprint of the proposed building would be approximately 328.7 square metres, spanning 30.7m in width within associated landscaping which would span across 45.4m. The footprint of the building subject to Class Q approval is 140.4 square metres and only spanning 7.7 in width within an application site which measures 15m in width. The proposed development would be approximately 188.3 square meter larger footprint (140 percent larger) than the building where the conversion to dwellings had been approved.

An argument has been put forward by the Planning Agent that the proposal would be no less harmful when considering the footprint of the site is no more than the cumulative footprint of all the buildings and hardstanding across the whole site. Irrespective of the loss of the other buildings on the site, the Class Q approval relates to one building only and development beyond this approval cannot be mitigated by the demolition of other agricultural buildings on the site.

Cumulatively the development proposed is significantly different to the approved Class Q scheme and would have a much greater visual impact. The site is located within CA2 - Countryside of the Neighbourhood Plan. The Design Code and Guidance appended to the Neighbourhood Plan describes this area as "an intensively farmed arable landscape comprising mainly geometric fields cut up by straight drainage channels and dykes. Despite the various human influences within the area, the area is very rural and provides a sense of openness and tranquillity."

The increase in the site area would result in over domestication and consolidation of residential development of the countryside, contrary to the sporadic pattern of residential development set within expansive parcels of low-lying agricultural land, which currently provide a sense of openness and rural tranquillity. The proposal would therefore fail to meet the design guidance of CA2 - Countryside of the Neighbourhood Plan.

Regarding dark skies, the proposed development would introduce a significant amount of lighting in this area which is currently completely devoid of any lighting. No mitigation has been offered to limit lighting in the countryside which would ultimately have a detrimental impact on dark skies in this area of the countryside.

When considering the impact of development of this site against the Class Q approval, it is not considered that any development here would be equal or less harmful than the Class Q approval. The location of the site would create a residential area and building, larger than approved by the Class Q consent, ultimately detracting from the rural character of the area. This would harm the appearance of the countryside, contrary to policies LP18 and LP21 of the Local Plan 2021-2040, policy MSJ5 of the Neighbourhood Plan, and the NPPF.

Impact on Neighbour Amenity:

Given the rural location of the site, there would be no impact on surrounding neighbours. The closest neighbour would be approximately 500m to the west. Regarding impact on neighbours, the proposal would comply with LP21 of the Local Plan 2021-2040.

Highway Safety:

The site would be accessed by an existing access to the south of the site from Black Drove.

Each proposed dwelling would have three bedrooms. Under policy LP14 of the Local Plan 2021-2040, a three-bedroom property needs to have two parking spaces. A total of six parking spaces is shown on the site plan (3 covered, 3 uncovered). This would comply with the criteria of policy LP14 of the Local Plan 2021-2040.

Policy MSJ6 (Residential Parking Requirements) states that development proposals should incorporate on-plot front or side parking to meet the most up-to-date parking standards; should be constructed using sustainable materials to reduce the impact of impermeable surfaces on the drainage systems; and where practical, parking areas should be landscaped either specifically or within the overall design of the wider development.

The proposed access, driveway and parking area would be laid with loose gravel which is a permeable material. Whilst the parking area is not specifically landscaped, the parking is incorporated with the design of the building and site. The parking provisions would therefore comply with policy MSJ6 of the Neighbourhood Plan.

The Local Highway Authority had no objection to the proposal when considering the fall-back position subject to conditions. However, as previously explained, very limited weight is afforded to the fall-back position. The site is located approximately 1.5km from the development boundary of Marshland St James, which is a rural village with limited services.

As such, the proposal would go against the overall aims for sustainable transport goals identified within LP06, LP13, and LP18 of the Local Plan 2021-2040 and the NPPF.

Ecology and Biodiversity Net Gain:

The application was supported by a Preliminary Ecological Appraisal (Philip Parker Associate Ltd, 02/04/2025) (PEA), Phase 2 Bat Survey, and Phase 2 Badger Survey. Further surveys demonstrated that no bat or badger activity was noted; however, little owl, stock dove, jackdaw and mallard activity were noted using a barn on the site. Due to the presence of little owl on the site, mitigation of a pole mounted owl box, and mitigation for bats, is proposed. Had the application been recommended for approval, conditions related to securing mitigation recommended within the surveys would have been considered necessary and appropriate in accordance with LP19 of the Local Plan 2021-2040 and Chapter 15 of the NPPF.

As a self-build and custom dwelling, the proposal would be exempt from providing Biodiversity Net Gain (BNG) under Schedule 7A of the Town and Country Planning Act 1990. In order for self-build and custom to be secured, a unilateral undertaking is required. A Planning Obligation Statement was submitted by the Applicant, which gives an indication that they were willing to enter a legal agreement to secure self-build and custom. However, as the application is recommended for refusal, this has not been pursued further.

Kings Lynn and West Norfolk Council adopted the Norfolk Green Infrastructure and Recreational Impact Avoidance and Mitigation Strategy Action Plan 2024 (GIRAMS) which identifies strategic mitigation to avoid adverse recreational effects resulting from development on the integrity of Habitat sites in and around Norfolk. Whilst the site falls within the Brecks, Wash, and Norfolk Coast Zone of Influences, it is not within close proximity to these zones and therefore a bespoke appropriate assessment is not required. The development proposes a net of three dwellings. As such a mitigation fee of £315.58 per dwelling (from 1 April 2026) would be required to be paid to offset recreational impacts to Zones of Influence (Zols) (a total of £946.74). The Applicant has paid the full amount to offset GIRAMS.

Flood Risk and Drainage:

The site is located within Flood Zone 3. Within the Flood Risk Assessment (FRA), mitigation measures such as finished floor levels set no lower than -0.1m AOD and flood resilient measures incorporated up to 0.3m above finished floor levels, are recommended. The Environment Agency have no objection to the FRA and mitigation measures within.

The development is located within Flood Zone 3 and therefore requires sequential and exceptions testing in line with the NPPF. It is for the LPA to steer development to areas at least risk of flooding in accordance with the sequential test (Paragraph 174 of the NPPF) and Local Plan Policy LP25.

As outlined above, the 'fall-back' position is afforded very limited weight. The principle of development of three self-build dwellinghouses in this location is not found to be acceptable. The development, of three self-build and custom dwellings, could reasonably be accommodated within the development boundary of Marshland St James, where there are opportunities for residential development of an equivalent scale in a lower risk of flooding. The development therefore does not pass the sequential test.

Although the development would not meet the sequential test and therefore the exception test is not required, for the avoidance of doubt, the development is also not considered to comply with the exception test.

Under paragraph 178 of the NPPF 2024, in order to pass the Exception test, the following must be demonstrated:

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

The Applicant has demonstrated that the site could be made safe through the mitigation recommendations within the FRA, which include raising the finished floor levels to -0.01m AOD. This would meet part (b) of the exception test.

In relation to wider sustainability benefits, the Planning Practice Guidance (PPG) provides some examples of wider sustainability benefit to the community could include the re-use of a suitable brownfield land as part of a regeneration scheme; reducing the flood risk to the wider community through the provision of flood management infrastructure; and providing sustainable drainage systems.

Surface water is shown to be diverted to a ditch on land in the control of the Applicant to the east of the site and foul drainage would feed into a sewage treatment plant. Whilst no objections were raised by Anglian Water and the Internal Drainage Management Board (IDB) (subject to consent with IDB), the proposal fails to ultimately provide wider sustainability benefits, such as water reuse, recycling, rainwater and stormwater harvesting, or other sustainable measures, which would outweigh the flood risk. Furthermore, as stated above, the principle of development of this site, approximately 1.5km from the development boundary of Marshland St James, is not considered a sustainable location being remove from services, schooling and employment. The development would therefore fail to meet part (a) of the exception test.

In terms of flood risk and drainage, the proposal would not comply with policy LP06, LP18 and LP25 of the Local Plan 2021-2040 and paragraphs 170 - 179 of the NPPF.

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

Climate Change:

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

The proposal involves demolition of three agricultural buildings for the erection of a large building in an unsustainable location. As demonstrated above, this development is not in a sustainable location and criterion 1 of Policy LP06 would not be met.

Contamination:

The Environmental Quality Team considered that due to this agricultural history of the site, and siting of a pond on historic maps, had the application been recommended for approval, conditions for the submission of a remediation scheme for contamination, compliance of the approved scheme, and unexpected contamination, would have been included on decision notice.

Other matters:

Policy LP30 (Adaptable and Accessible Homes) states that planning permission would be granted for new dwellings subject to 40% of new homes must be built to meet requirement M4(2) of Part M of the Building Regulations: Category 2 for accessible and adaptable dwellings. Plot 2 has been designed to comply with this policy.

CONCLUSION:

The application seeks to demolish existing agricultural buildings and remove hardstanding, for the construction of three self-build and custom dwellinghouses along Black Drove in the parish of Marshland St James.

Paragraph 48 of the NPPF and Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise.

The Applicant has not demonstrated that material considerations exist which would outweigh the development plan. A prior approval for the conversion of the agricultural building to three modest dwellings under Class Q of the GDPO (reference 23/01765/PACU3) remains extant until November 2026. However, at the time of the site visit, no development had commenced, and it is unlikely that the conversion could be completed within the required timeframe. As such, only very limited weight can be afforded to the claimed fall-back position, particularly given the repeated submission of alternative proposals for three new dwellings and the greater degree of harm arising from the current scheme compared with the Class Q approval. Moderate weight is afforded to the self-build and custom build nature of the proposal, but this does not outweigh the conflict with policy LP02 of the Local Plan 2021-2040.

In the absence of a valid fall-back position, the proposal for three self-build and custom dwellings in a countryside location, significantly removed from the development boundary and reliant on private car use, is contrary to the sustainability aims of the NPPF.

The site lies within Flood Zone 3. Suitable opportunities for self-build and custom housing exist within areas of lower flood risk inside the development boundary of Marshland St James. The proposal would not deliver sustainability benefits sufficient to outweigh the identified flood risk. The scheme therefore fails the sequential test and would also fail the exception test required by the NPPF.

Furthermore, the increased site area, the arrangement of three dwellings linked by a single-storey carport to form a courtyard, and the associated domestic landscaping would result in an over domesticated and consolidated form of development. This would be at odds with the sporadic pattern of residential development set within expansive areas of low lying agricultural land. The scale, bulk and massing of the dwellings would create a visually dominant residential enclave in the rural landscape, with design features likely to increase light spill and adversely affect local dark skies.

The proposal would not result in harm to neighbouring amenity or ecology.

For the reasons set out above, it is recommended that Members refuse the application, as it is contrary to policies LP01, LP02, LP03, LP06, LP18, LP19, LP21, LP25 and LP31 of the Local Plan 2021-2040, policy MSJ5 of the Neighbourhood Plan, and the provisions of the NPPF.

RECOMMENDATION:

REFUSE for the following reason(s):

- 1 The development, of three self-build and custom dwellinghouses outside the development boundary of Marshland St James by approximately 1.5km, would fail to comply with policy LP02 of the Local Plan 2021-2040. The site is not an allocation within the Neighbourhood Plan nor an allocation of the Local Plan 2021-2040. The housing need identified under policy LP03 of the Local Plan 2021-2040 has been met by development in the development boundary of Marshland St James. The Applicant has failed to convince the Local Planning Authority that there are material planning considerations ('fall-back' position under a Class Q approval and self-build and custom nature of the proposal) which would outweigh the primacy of the Local Plan 2021-2040 when considering the impact on form and character and sustainability of the site in connection to local facilities and services.

The proposal would fail to comply with policies LP01, LP02, LP03, LP06, LP18 and LP31 of the Local Plan 2021-2040 and provisions of the NPPF.

- 2 The proposed development by reason of its scale, form and appearance would constitute an over development of the site in open countryside outside the development boundary. It would result in a development that would be at odds with the rural character and appearance of the immediate locality and wider views of the site. The resultant dwellinghouses would be a prominent addition in the street scene, disrupting the openness and rural tranquility of the countryside.

The proposal would therefore have a detrimental visual impact upon the rural character and appearance of the countryside in this location contrary to paragraph 135 and 187 of the NPPF, policies LP02, LP04 LP18, LP19, LP21 and LP31 of the Local Plan 2021-2040 and policy MSJ5 of the Marshland St James Neighbourhood Plan.

- 3 Within Flood Zone 3, sequential and exception testing has to be applied as prescribed by paragraphs 173 - 177 of the NPPF, and both parts must be passed. The development, of three self-build and custom dwellings, could reasonably be accommodated within the development boundary of Marshland St James, where there are opportunities for residential development of an equivalent scale in a lower risk of flooding. The development therefore does not pass the sequential test. As such, the exception test is not required.

The proposal therefore fails to comply with paragraphs 173 - 179 of the NPPF and policies LP06, LP18 and LP25 of the Local Plan 2021-2040.



Costs Decision

Site visit made on 21 January 2026

by **A Knight BA PG Dip MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 09 February 2026

Costs application in relation to Appeal Ref: APP/V2635/W/25/3372005 Holme Oak, Stoke Road, Wereham, Norfolk PE33 9AT

- The application is made under the Town and Country Planning Act 1990, sections 78, 322 and Schedule 6, and the Local Government Act 1972, section 250(5).
 - The application is made by Mr G Gott for an award of costs against King's Lynn and West Norfolk Borough Council.
 - The appeal was against the refusal of the Council to grant planning permission for residential development involving the demolition of existing barn complex.
-

Decision

1. The application for an award of costs is refused.

Reasons

2. Parties in planning appeals normally meet their own expenses. However, the Planning Practice Guidance (PPG) advises that costs may be awarded against a party who has behaved unreasonably and thereby caused the party applying for costs to incur unnecessary or wasted expense in the appeal process.
3. The Applicant contends that they have incurred unnecessary costs in submitting the appeal, as the Council's reasons for refusal are unsubstantiated, and lack legitimate reasoning. Specifically, it is argued that the Council did not attribute sufficient weight to the applicant's fallback position.
4. In *Gambone v SSCLG*¹ a two-stage approach to fallback was set out. Firstly, a decision maker must determine whether the fallback position is a material consideration. If so, then as a second step, they must decide what weight to attach to it.
5. Regarding the first step; I see nothing to suggest that the Council failed to recognise the appellants fallback position, provided by an approval under Class Q of the General Permitted Development Order (2015), as a greater than theoretical possibility. The committee report recommended the planning application be approved despite a clear conflict with policy, because of the aforementioned fallback position. Indeed, the concept of fallback is explained in some detail, including a summary of pertinent caselaw. The applicant's specific fallback position is also set out, and the minutes show that the committee explored its implications.
6. Regarding the second step; the Council concluded that the conflict with policy was not outweighed by the fallback position. The minutes and reason for refusal are

¹ [2014] EWHC 952 (Admin)

explicit in that respect. That is a decision the Council was entitled to come to. Indeed, I have come to the same conclusion in determining the appeal. I see little to suggest that this decision was without reason; the weight attributable to the spatial strategy policies alone may be considered sufficient to outweigh the fallback. In addition, the Council felt that approvals under Class Q were not evidently likely to be implemented; I have reached a similar conclusion myself.

7. An award of costs is not justified.

A Knight

INSPECTOR



Appeal Decision

Site visit made on 21 January 2026

by **A Knight BA PG Dip MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 09 February 2026

Appeal Ref: APP/V2635/W/25/3372005

Holme Oak, Stoke Road, Wereham, Norfolk PE33 9AT

- 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 Mr G Gott against the decision of King's Lynn and West Norfolk Borough Council.
 - The application Ref is 25/00561/F.
 - The development proposed is residential development involving the demolition of existing barn complex.
-

Decision

1. The appeal is dismissed.

Application for costs

2. An application for an award of costs against the Council is the subject of a separate decision.

Preliminary Matters

3. I have used the site address from the application form in the banner heading above. I note that elsewhere the site is described as Barn at E568308 N301300.

Main Issue

4. The main issue is whether the appeal site (the site) would be a suitable location for the proposed development having regard to the development plan.

Reasons

5. The site comprises a barn and open ground around it, along with a point of access from the highway. The former elements are outside the development boundary for Wereham, which is defined in the King's Lynn and West Norfolk Local Plan 2021-2040 (2025) (the Local Plan) as a rural village in Tier 5 of the Settlement Hierarchy set out in Policy LP01.
6. It is proposed to replace the barn with a directly comparable building split into four dwellings. Local Plan Policy LP02 states that residential development outside of Tier 5 development boundaries will not normally be supported, except where the settlement has an identified housing requirement which there is no opportunity to meet within the boundary, and which is not addressed already through a Neighbourhood Plan allocation.
7. Appendix I to Local Plan Policy LP03 identifies the need for one additional dwelling in Wereham, and no pertinent Neighbourhood Plan exists. Even so, I have been

provided with very little to show me that there are no opportunities for that dwelling to be provided within the development boundary. As such, even if I were to accept that the appeal proposal satisfies the requirements of Parts 1 and 2 of Policy LP02, it nevertheless does not evidently have the support of that policy overall.

8. Given the above, the site would not be a suitable location for the proposed development having regard to the development plan.

Other Considerations

9. Whilst I note the full planning history of the site, three earlier schemes are particularly relevant. An application for prior approval under Class Q of the General Permitted Development Order (2015) was approved in 2021¹ (the first approval). Another application made in 2025, also under Class Q, found that prior approval was not required² (the second approval). Both of these schemes involved the creation of four dwellings in the barn.
10. In between these two approvals, an application for planning permission for a scheme directly comparable to that before me was refused, and a subsequent appeal dismissed³ (the previous appeal). Much as I have done, the Inspector in the previous appeal found that the site was an unsuitable location for the proposal, considering the development boundary. They attributed very little weight to the fallback position provided by the first approval, as it was unlikely those could have been completed before the deadline imposed by Class Q.
11. As a result of the second approval the conversion of the barn into four dwellings has, relatively recently, been found by the Council to comply with the requirements of Class Q. As such, there is a greater than theoretical possibility of the second approval scheme being built. I must therefore consider a similar fallback position to that presented to the previous Inspector, except that in this case the appellant has significantly more time to complete the works⁴.
12. That said, the Inspector in the previous appeal did not state that the existence of the first approval would, if not for the lack of time to complete it, have outweighed the identified conflict with policy. Indeed, I must decide what weight the current fallback position should carry in my determination, based on the facts before me. That includes the likelihood of the second approval being built, and how it compares to the appeal proposal.
13. There are such close similarities between the two approved schemes and those refused planning permission that the method of construction appears the only major point of distinction. Third parties have questioned whether converting the existing barn is structurally and financially feasible. The appellant has not responded on this point. Indeed, I have very little explanation as to why, after obtaining both the first and second approvals, the appellant subsequently sought planning permission to replace the barn rather than proceeding to convert it.
14. The appellant states that it was in light of the previous Inspectors comments that the second approval was sought. I note that once the second approval was obtained, it was then only some four months until the planning application subject

¹ Application Ref 21/01872/PACU3.

² Application Ref 24/02033/PACU3.

³ Appeal Ref APP/V2635/W/23/3334048.

⁴ The operative date is 10 January 2028.

of this appeal. The above, along with the contention in the appellant's statement that "The situation now is that the current prior approval 25/00561/PACU3 which exists on site does not expire until late 2027. This allows for ample time for the works associated with 25/00561/PACU3 to be carried out. In accordance with appeal decision APP/V2635/W/23/3334048, the proposal can now be granted" does very little to suggest the second approval was obtained with the intention that the barn be converted.

15. Even in combination, the above observations do not demonstrate that converting the barn in line with the second approval is infeasible. They do nothing, however, to show me that it would be at all likely. Moreover, and most significantly in my view, the appellants statement does not contain any suggestion that the Class Q scheme will be built if this appeal fails, let alone evidence to that effect.
16. The last Inspector found that the previous appeal scheme would result in a more attractive and comprehensive development than the first approval, though they did not suggest that this was a significant benefit. I recognise that the current appeal proposal would provide better parking, garden, and landscaping arrangements than the second approval, but consider these to be very modest benefits due to the limited scale of their impact; On this point, I note the appellant describes the differences between the schemes as negligible. What is more, I have no reason to view the second approval scheme as unacceptable or harmful in these respects.
17. Overall, given the above I attach only modest weight to the fallback position provided by the second approval.
18. My attention has been drawn to two previous planning applications⁵ in which new dwellings were approved in place of agricultural buildings. In both cases the Council cited a fallback position created by an earlier approval under Class Q when granting permission. I accept the Council's observations that the weight given to fallback will differ in each instance, and that each application should be considered on its merits. However, I have all but nothing before me to explain why the merits of those two approved schemes were found so different to those of the appeal proposal that the former were approved and the latter was not.
19. I note that in the earlier of the two cases the proposal was found to comprise a positive enhancement to the setting, given the utilitarian appearance of the barns being replaced. Whilst it is not clear that this was determinative, it is nevertheless a trait not evidently equally possessed by the appeal proposal, and one which may lead to a different planning balance overall.
20. There is little to suggest that the latter case involved a similar positive enhancement, or comparable benefit. Even so, it is not clear to me that the circumstances around that application were the same as those before me. Whilst the description of development stated that the agricultural building in question had been "deemed not suitable for conversion due to its poor quality and operational inefficiencies" I do not know whether the applicant had demonstrated, or at least stated, that they would nevertheless proceed with a conversion if the application failed, albeit at greater expense.
21. Overall, whilst I cannot be satisfied that the Council has been consistent in its approach, the limited evidence before me does not show the circumstances in the

⁵ Application Refs 21/02377/F and 22/01567/F.

cited previous approvals to be precisely the same as those in this appeal, which I have been able to identify with a far higher degree of precision. In any event, I must make my determination on the merits of the appeal scheme as I see them. I attach only limited weight to the cited decisions, therefore.

Planning Balance

22. The proposal would meet the identified need for one new dwelling for Wereham. This weighs in favour of the proposal, though only to a limited extent given, as set out above, I have little reason to think a new dwelling could not be provided inside the development boundary.
23. More generally, the proposal would yield a net gain of four new dwellings towards the Government's aim of significantly boosting supply. It may be possible for the development to be built quickly. These benefits carry notable weight generally, though it is tempered in this instance by the modest scale of the scheme.
24. There would be temporary economic benefits associated with the construction phase. Thereafter, there would be ongoing local economic benefits relating to the occupation of the site, and local facilities would benefit from increased demand. Nevertheless, given the relatively modest scale of the proposal and the small number of new residents brought about, these benefits would be minor.
25. I have found the fallback position provided by the second approval to attract moderate weight in favour of the appeal, and the two cited previous decisions to attract limited weight.
26. Set against the above, the proposal conflicts directly with the spatial strategy in the Local Plan, which itself has been through a process of public consultation and adoption only recently. The National Planning Policy Framework states that in achieving sustainable development the planning system has three overarching objectives, and that they should be delivered through the preparation and implementation of plans. An up-to-date spatial strategy is a key component of this, and the conflict between the appeal proposal and the Local Plan is, therefore, significant. Overall, the benefits of the appeal scheme do not outweigh the conflict with policies identified above.

Conclusion

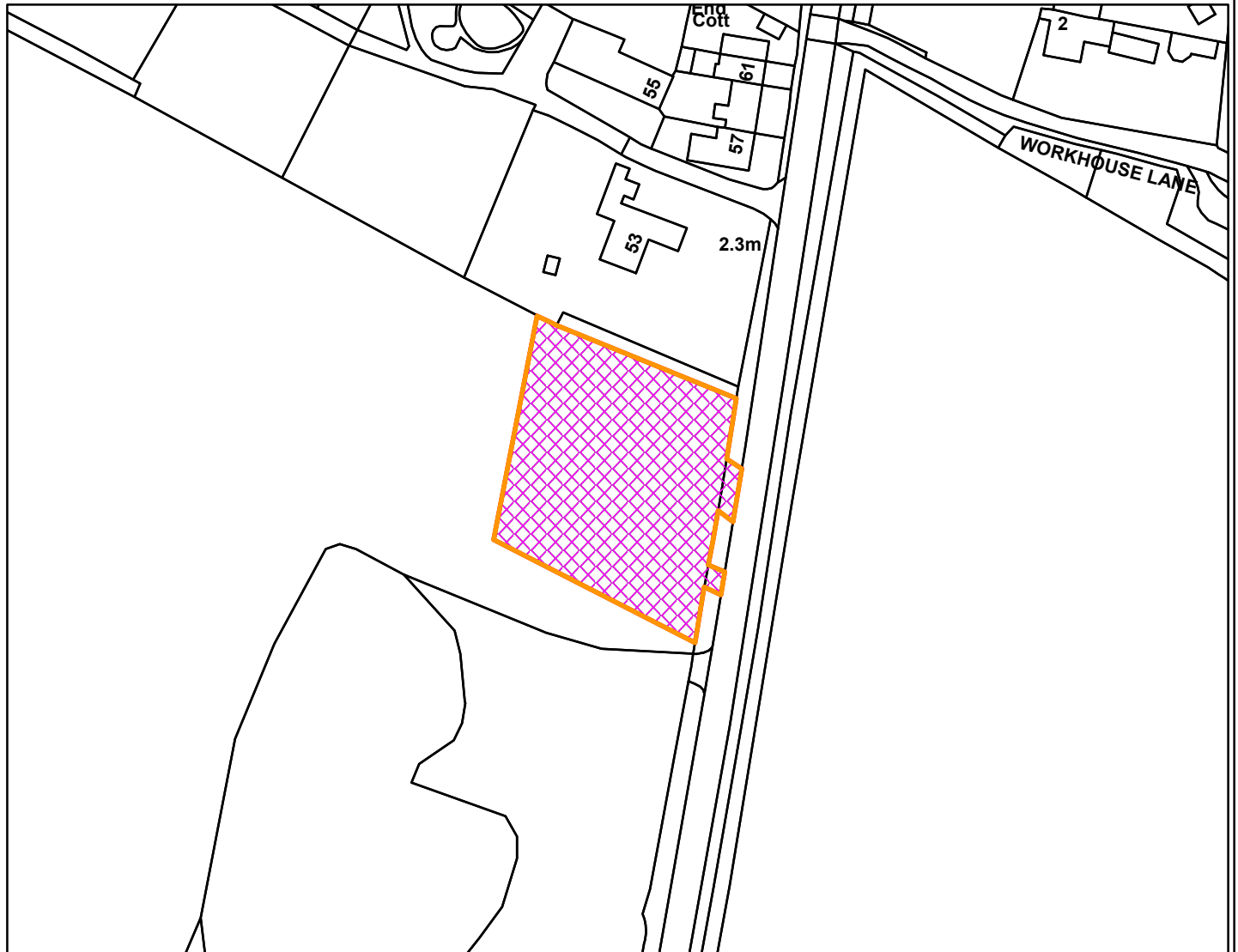
27. The proposal conflicts with the development plan and the material considerations do not indicate that the appeal should be decided other than in accordance with it. The appeal is dismissed.

A Knight

INSPECTOR

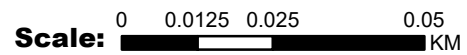


Land At E554871 N314281 S of 53 Church Road Tilney St Lawrence PE34 4QQ



Legend

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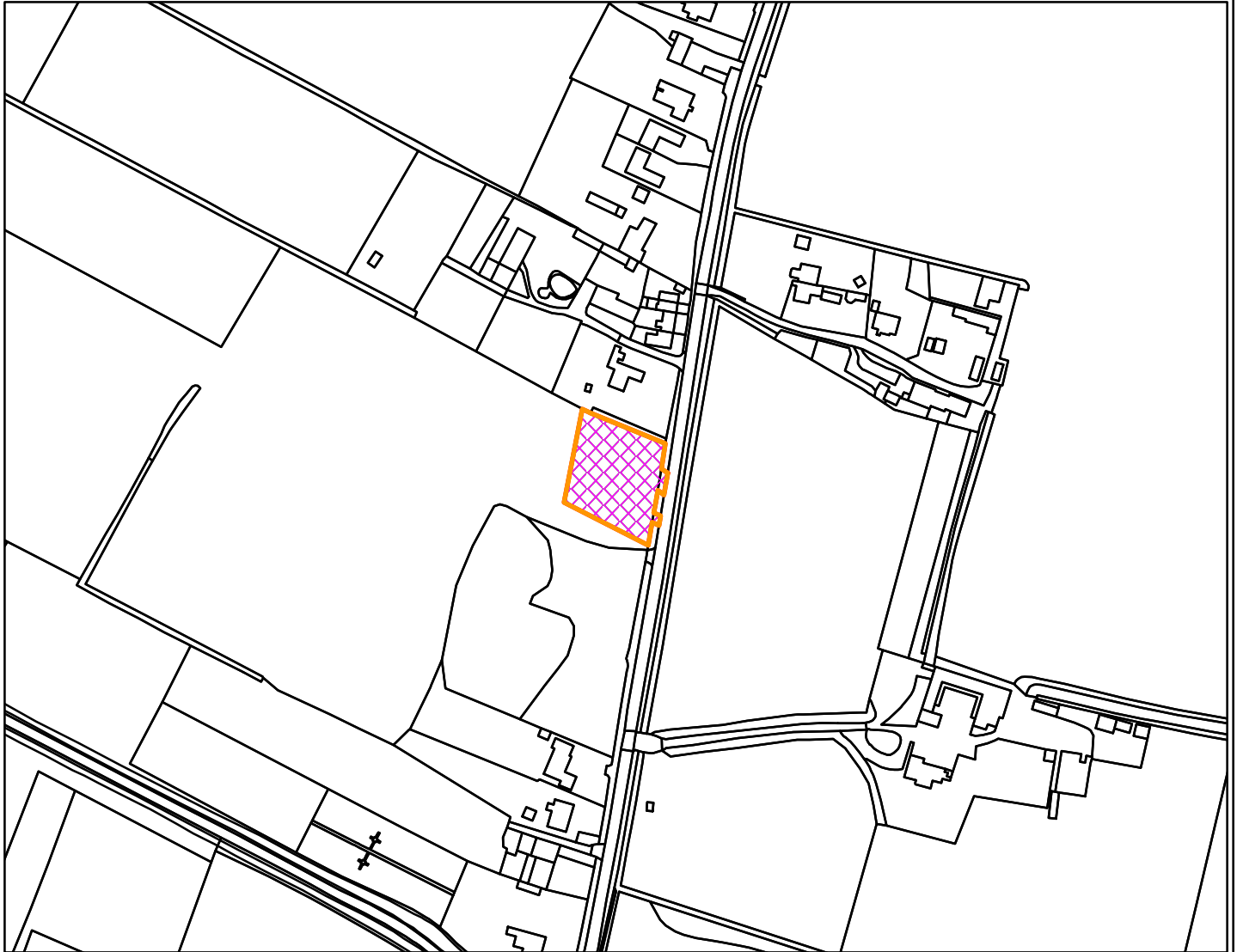


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Ordnance Survey AC0000819234

Organisation	BCKLWN
Department	Department
Comments	Not Set
Date	29/04/2026
MSA Number	0100024314

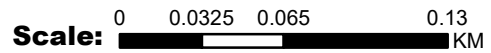


Land At E554871 N314281 S of 53 Church Road Tilney St Lawrence PE34 4QQ



Legend

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Ordnance Survey AC0000819234

Organisation	BCKLWN
Department	Department
Comments	Not Set
Date	29/04/2026
MSA Number	0100024314

AGENDA ITEM NO 9/1(c)

Parish:	Tilney St Lawrence	
Proposal:	SELF BUILD: Proposed 3no. self build plots	
Location:	Land At E554871 N314281 S of 53 Church Road Tilney St Lawrence Norfolk PE34 4QQ	
Applicant:	Ms S Leeks	
Case No:	25/01749/O (Outline Application)	
Case Officer:	Mr K Wilkinson	Date for Determination: 18 December 2025 Extension of Time Expiry Date: 30 May 2026

Reason for Referral to Planning Committee – At the instruction of the Planning Committee Sifting Panel.

Neighbourhood Plan: No

Case Summary

This application seeks outline application, with all matters reserved for future consideration, for the development of three plots for self-build dwellings on the western side of Church Road in Tilney St Lawrence. The site lies approximately 490m north of the crossroad junction of Church Road/St Johns Road/ Magdalen Road/School Road.

Tilney St Lawrence, combined with Terrington St John and St John's Highway, is classified as a Tier 4 settlement (Key Rural Service Centre) under Policy LP01 of the Local Plan 2021-2040.

The site lies some 400m beyond the development area of the village in an area classed as 'countryside', and within Flood Zone 3a plus Tidal Hazard Mapping Zone of EA's mapping.

Key Issues

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

Recommendation

REFUSE

THE APPLICATION

This application seeks outline permission, with all matters reserved for future consideration, for the development of three plots for self-build dwellings on the western side of Church Road in Tilney St Lawrence. The site lies approximately 490m north of the crossroad junction of Church Road/St John's Road/ Magdalen Road/School Road.

Tilney St Lawrence, combined with Terrington St John and St John's Highway, is classified as a Tier 4 settlement (Key Rural Service Centre) under Policy LP01 of the Local Plan 2021-2040.

The site comprises approx. 0.2ha which is part of uncultivated grade 2 agricultural land and lies on the western side of Church Road. To the south and opposite/east are agricultural fields and there are paddocks to the rear/west. A bungalow lies to the north which fronts onto Church Road.

It lies approx. 400m beyond the defined village boundary in Flood Zone 3a and Tidal Hazard Mapping Zone.

The application is accompanied by a site-specific Flood Risk Assessment, Ecological Impact Assessment, shadow Habitat Risk Assessment, Arboricultural Impact Assessment and a Contamination Screening Assessment Form.

Outline planning permission has also been sought on two sites directly to the south of the application site. Each of these sites is in separate ownership. The southern-most outline application (reference 25/01752/O), proposing two plots, was refused on the grounds of principle of development, harm to form and character of the countryside setting, and for failing to have a mechanism to secure payment of GIRAMS fee.

The outline application to the immediate south (reference 25/01775/O) is also before Members at this Planning Committee for determination. The recommendation for application 25/01775/O is to refuse.

APPLICANT/AGENT SUPPORTING CASE

The agent has submitted the following information in support of the proposed development:

“Policy LP02 of the Local Plan establishes a presumption in favour of development within defined settlement boundaries, and, where sites fall outside, supports proposals that are adjacent to those boundaries and meet specified criteria. While the application site does not lie within, or directly adjoin, a defined development boundary, it is nonetheless located within a clearly established residential frontage along Church Road. The site is physically and functionally related to existing built form, and does not represent isolated or sporadic development in the open countryside.

The underlying purpose of directional housing policies, including LP02, is to safeguard the character and appearance of the countryside and to promote sustainable patterns of growth. In this instance, the proposal comprises residential development within an already established residential context. As such, the visual and landscape impact will be negligible, with the development read as a natural continuation of the existing built form. The proposal therefore accords with the overarching aims of the policy, and it is reasonable to conclude that it

complies with the spirit and intent of LP02 by virtue of its sustainable location and close relationship to existing development.

A further material consideration of significant weight in this case is the delivery of self-build dwellings. The Council's Custom and Self-Build Position Statement (May 2025) identifies a substantial shortfall of 162 plots across the Borough, demonstrating a clear and pressing unmet demand.

National policy also provides strong support. Paragraph 73 of the National Planning Policy Framework 2024 emphasises the role of small sites and requires authorities to support self-build housing. In addition, the Levelling-up and Regeneration Act 2023 and associated 2024 Regulations strengthen the duty to meet this demand, with only self-build permissions counting toward supply. Given the current shortfall, this carries significant weight in decision-making.

When considered in the round, the site's sustainable location, its integration with existing development, and the absence of any material harm align with the objectives of local and national policy. The provision of these self-build plots represents a clear public benefit, directly contributing to meeting an identified and evidenced housing need. This benefit should weigh heavily in favour of the proposal and, when balanced against the limited policy conflict arising from the site's position outside the defined boundary, is sufficient to justify a favourable determination.

Finally, the agent has worked proactively with the Local Highway Authority throughout the application process. Agreement has been reached to deliver a new footpath, providing a safe and direct pedestrian link to the village centre. This improvement will be secured via a condition of any planning approval and a Section 278 Agreement and is supported by the Highway Authority, further reinforcing the site's sustainability credentials and the benefits for both new and existing residents of the village."

PLANNING HISTORY

None

Related cases: Sites adjoining to the south

25/01775/O: Pending decision: SELF-BUILD - Proposed 3no. plots (on this agenda)

25/01752/O: Application Refused: 16/12/25 - Outline application for proposed 2no. self-build plots (Delegated decision)

RESPONSE TO CONSULTATION

Parish Council: SUPPORT – Will enhance the character of the area.

Local Highway Authority: (Initial comments:) Holding objection - The proposed development does not adequately provide off-site facilities for pedestrians/people with disabilities and reduced mobility to link with existing provision and/or local services. Contrary to Development Plan Policies.

(Amended scheme:) The LHA can confirm that they have had correspondence with the agent for the two applications (25/01749/O and 25/01775/O) and the submitted details reflects an

agreed 'in principle' scheme that addresses our previous concerns and would remove the recommended holding objection, on the basis that the footway is then provided.

So that the plots are not sold independently and the footway realisation becomes problematic, at this All Matters Reserved stage, the LHA would recommend that conditions be applied to both applications.

District Emergency Planning Officer: NO OBJECTION: suggests that the occupiers sign up to EA's flood warning system and prepare an evacuation plan.

Internal Drainage Board: NO OBJECTION – Byelaw consent may be required.

Environmental Health & Housing – Environmental Quality: NO OBJECTION

Norfolk Constabulary: NO OBJECTION – advice offered on pursuit of Secured by Design accreditation.

Historic Environment Service: No comments received – However from responses to adjoining site, they raised no objection subject to a suite of pre-commencement conditions relating to archaeological investigations.

Environment Agency: NO OBJECTION subject to condition relating to flood risk mitigation. In accordance with the National Planning Policy Framework (NPPF) paragraph 174, development in flood risk areas should not be permitted if there are reasonably available alternative sites appropriate for the proposed development in areas with a lower risk of flooding.

Senior Ecologist: Comments awaited in response to recently submitted Ecological Impact Assessment.

Arboricultural Officer: NO OBJECTION subject to condition.

REPRESENTATIONS

ONE item of correspondence raising **OBJECTION** on the following summarised grounds:

- This application is one of several applications for similar self-build dwellings.
- Too many accesses being created on Church Road to facilitate these applications.
- No objection to the idea of new homes by the number of houses being requested and attempt to create densely packed homes which do not take into account the local character of old workers cottages, Victorian and Georgian homes and some newer dwellings.
- Would be a shame for Church Road to lose its unique rural feel which is dependent on the variety and styles of housing interspersed with fields and trees.
- Overdevelopment of the site and impact on the access road.

Cllr Barry Ayres: (Referring to application refs: 25/01749/O, 25/01775/O & 25/01752/O)

"May I reinforce Mr Blyth's comments the area in question is an area with modern LED footway lights, the village has extensive amenities, both in this village and in nearby Terrington St John. The area was originally the site of cottages and barns, and the land has not been farmed for over 100 years, although this is of little concern as the area in question is relatively small. The whole area is at present untidy, unfarmed and the existing hedgerow is in a very poor state,

in my opinion the whole area would benefit greatly from this diverse development, and would only serve to enhance the street scene, and improve the overall appearance of Church Road and the village as a whole.”

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

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

LP02 - Residential Development on Windfall Sites (Strategic Policy)

LP03 - Neighbourhood Plans (Strategic Policy)

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

LP06 - Climate Change (Strategic Policy)

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)

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

NATIONAL GUIDANCE

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

PLANNING CONSIDERATIONS

The main considerations in determining this application are as follows:

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

Principle of Development:

This is an Outline application for three self-build (and custom build) plots for dwellings. All matters are reserved for later consideration, but the indicative plan shows three similar sized plots fronting Church Road with individual access points plus an access retained for paddock land to the rear.

Section 38(6) of the Planning and Compulsory Purchase Act 2004 and paragraph 48 of the NPPF requires that applications for planning permission be determined in accordance with the development plan unless material considerations indicate otherwise.

Tilney St Lawrence, combined with Terrington St John and St John's Highway, is classified as a Tier 4 (Key Rural Service Centre) settlement under Policy LP01 of the Local Plan 2021-2040.

Under Policy LP02 of the Local Plan, in Tier 4 settlements as defined by Policy LP01, proposals for new residential development outside of, but adjoining development boundaries, as defined on the Policies Map, will be supported provided they comply with other relevant policies of the development plan, and meet the criteria set out under Part 1 of this Policy, as well as the following criteria:

- a. It respects or enhances the character of the adjoining settlement and countryside, and can be readily assimilated into the existing fabric of the adjoining built up area; and
- b. It can be supported by existing and future service and infrastructure provision, or adverse effects can be mitigated through financial contributions towards improving provision; and
- c. It is not located within the boundary of the Norfolk Coast National Landscape, and would not adversely affect its setting; and
- d. It preserves or enhances the significance of nearby heritage assets and their settings, and protects and enhances the appearance and character of designated and valued landscapes; and
- e. It would maintain the physical separation between existing settlements and protect their identity.

A similar application was considered by the Planning Inspectorate (appeal reference APP/V2635/W/25/3375160; planning reference 25/00400/O) (attached as an appendix to this report), for an Outline application for up to five dwellinghouses on a site which adjoins the development boundary of Terrington St John. Although that appeal site lay close to the settlement boundary, the Inspector concluded that its development would conflict with Policy LP02 due to its position in relation to that boundary. The Inspector also found that the introduction of five dwellings into a gap that contributes positively to the area's verdant character would cause unacceptable harm. On this basis, the appeal was dismissed. This decision should be afforded significant weight in determining the current application, as both sites relate to the same development boundary and raise comparable policy considerations, plus the development plan has primacy given that it is a recently adopted plan.

The site is located approximately 400m from the development boundary of the village and therefore does not adjoin it. Development in this location would result in material harm to the character and appearance of the area. Although no details of appearance, scale, or layout have been provided, the principle of developing this site would interrupt a long, open stretch of Church Road, consolidating residential built form within the countryside. The potential introduction of a footpath would further urbanise the rural character.

The development would therefore fail to comply with parts 1a, 1f and 2a of Policies LP01 & LP02 of the Local Plan 2021-2040.

Paragraph 83 of the NPPF states that housing should be located where it will enhance or maintain the vitality of the rural communities. The Planning Agent has demonstrated that a footpath could be provided to the west side of Church Road. Subject to details to be submitted and agreed by the Local Highway Authority, future occupiers could access provisions such as shops, schools, public transport, which can be found within the village. The development of this site for three dwellings has not been justified in line with paragraph 83 and moderate weight is afforded to this.

From 1st April 2024 the Council can demonstrate 7.9 years' worth of housing supply and as of 26th March 2025, the Council can demonstrate 80 per cent housing delivery. At the present time, the Council have a shortage of self-build and custom sites.

The NPPF explains in footnote 28, 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". However, this does not mean development is automatically granted but would be afforded weight when determining the application. In this instance 'some' weight is given to this matter.

Furthermore, Policy LP31 of the Local Plan supports proposals where they respect local character and comply with other relevant policies in the plan. Self-build and custom dwellings would have to be secured via legal agreement.

Therefore, whilst the potential of three self-build and custom dwellings in this location would be afforded some weight, this does not outweigh the policies within the Local Plan. The site would result in harm to form and character of this countryside setting as per Policies LP02, LP18 and LP21 of the Local Plan and the NPPF.

Form and Character:

Policies LP18 and LP21 ensure that development in the borough is of high quality, conserving and enhancing the amenity of the wider environment, by supporting development which is sympathetic to the local setting and pattern of adjacent streets, including spaces between buildings, through high-quality design and use of materials.

Furthermore, LP31 of the Local Plan 2021-2040 supports custom and self-build dwellings where they respect local character and comply with other relevant policies in the plan.

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.

Finally, paragraph 187 of the NPPF seeks to ensure planning policies and decision should contribute and enhance the natural and local environment by protecting and enhancing valued landscapes and recognise the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services.

As an Outline application, full details regarding design have not been submitted. Based on the indicative site plan, three detached dwellings are proposed fronting the road, within consistent sized plots.

This area is located within The Fens - Settled Inland Marshes within the Landscape Character 2007, characterised by large scale, low-lying landscape, offering a sense of openness and a moderate to strong sense of tranquillity.

Church Road is characterised by loose knit ribbon development heading north out of the village from the crossroads junction towards the A47. The road has a predominantly verdant character, with mature trees and hedgerows lining both its eastern and western sides.

Residential development on the western side of the road comprises a Georgian farmhouse, converted traditional barns, plus a more contemporary bungalow and house just north of the bridge. Beyond this small cluster, and to the rear, there are open fields mostly set behind established roadside hedging and odd trees. This is reflected on the eastern side of the road which is more open in character with larger detached dwellings set within substantial mature landscaped grounds adjoining agricultural and paddock land.

Travelling northwards there is more consolidated linear/frontage development on both sides of the road continuing up to the Church.

Church Road is therefore characterised by very loose-knit ribbon development heading north out of the Tilney St Lawrence. The site lies at the northern end of a gap along the west side of Church Road, which measures approximately 140m wide. There are two other sites to the south in separate ownerships; the central site is covered by application ref: 25/01775/O elsewhere in this agenda, plus the southern-most which was refused under application ref: 25/01752/O under delegated powers.

The development of this site for three dwellings would unduly erode the countryside setting. The urbanisation of this rural setting would be further exacerbated by the provision of a proposed footpath along the western side of Church Road, which would measure approximately 190m in length and would not connect to any other existing network.

The Arboricultural Officer commented that whilst the indicative layout shows three detached dwellings with access taken through the existing managed hedgerow, the reality is that a new hedgerow would have to be established as part of any future development. Whilst the Arboricultural Officer has no objection in principle to the loss of the hedge, there is a request for conditions covering landscaping details, which is a matter reserved for a later application.

Notwithstanding the removal and potential future planting of a hedgerow to the front boundary, the development of the site, within this significant gap, would disrupt and erode the rural countryside setting, further urbanising the character of Church Road by consolidating the domestic and residential appearance in this location, contrary to the rural character, and obstructing open views to the fen landscape contrary to Policies LP18, LP19 and LP21 of the Local Plan and the NPPF.

Furthermore, the Planning Inspector in the appended appeal decision at Paragraph 14 states:

“Although not one of the exceptions listed in Policy LP02 of the LP, whether the proposal would comprise infill development is a question of planning judgement based on an assessment of the site and its surroundings. I consider that infill development is normally associated with the completion of an otherwise substantially built-up frontage. Whilst it is not disputed that the appeal site is flanked by built form, the appeal site comprises a wide, open gap between the two properties, interspersed with areas of mature vegetation. There are notable gaps between properties located on the eastern side of School Road and consequently, the proposal would not consolidate and otherwise substantially built-up frontage.”

As described above in this section, there are substantial gaps along the western side of Church Road and this proposal alone, or combined with the additional parcels/sites, would not constitute infill as defined by the Inspector above.

Impact on Neighbour Amenity:

The closest neighbours to the site would be the bungalow No. 53 Church Road approximately 20m to the immediate north of the site.

Based on the indicative plans, it is considered there could be sufficient distance to limit impacts to neighbours in respect to overlooking, shadowing and being overbearing due to the plot sizes to comply with policy LP21 of the Local Plan 2021-2040.

This would, however, be subject to the details of a further reserved matters application.

Highway Safety:

Access is a reserved matter, but the indicative layout plan shows three independent access points to serve the plots plus a further field access to serve the paddock land to the rear. In creating appropriate accesses and visibility splays this could require substantial hedge removal and cutting back. This would have a significant impact upon the appearance of the site and its countryside setting.

Policy LP14 of the Local Plan 2021-2040 sets out the number of parking spaces expected for the number of bedrooms. Parking and turning space could meet current standards within the plots and would ultimately be addressed at any reserved matters stage.

The NPPF supports sustainable transport and paragraph 117 in particular points to the need to 'give priority first to pedestrian and cycle movements' and 'so far as possible - to facilitating access to high quality public transport, with layouts that maximise the catchment area for bus or other public transport services, and appropriate facilities that encourage public transport use...'

Church Road is without continuous footway provision leading to the site. There is a footway approx. 235m to the south on the opposite side of the road, the LPA initially expressed concerns that residents of this application site would be forced to first compete for space in the live carriageway or walk on the verge, which can be wet and mudded. As submitted it did not provide safe access for pedestrians in accordance with the recommendations of the NPPF and planning policies.

In response to this holding objection, the Planning Agent has stated that there is a commitment between the landowners of the three frontage sites to install a footpath connection up to this, and the neighbouring sites. No agreement has been submitted for the Council to review. However, this would be a legal matter between the relevant parties. The Planning Agent has provided an updated plan showing the extent of the footpath improvement works. The LHA have considered this to be acceptable subject to conditions for the exact details of the footpath provision to be submitted, and for the footpath to be installed prior to occupation of the dwellinghouses. Had the application been recommended for approval, the conditions would have been considered acceptable.

Notwithstanding this, the addition of the footpath provision would have an urbanising effect with further detrimental impact upon the character and appearance of the countryside.

As the LHA has raised no objection in principle to the inclusion of the footpath, the proposal, subject to conditions would have been considered acceptable when considering policies LP06, LP13 and LP18 of the Local Plan and the NPPF.

Flood Risk and Drainage:

The site lies within Flood Zone 3a and Tidal Hazard mapping zone. The application is accompanied by a site-specific Flood Risk Assessment which indicates mitigation measures raising Finished Floor Levels by 1m above existing ground levels plus 300mm of flood resilient construction above FFL. The Environment Agency have raised no objections subject to this mitigation being secured via condition on any approval; so, the development could be made safe.

The development is located within Flood Zone 2 and 3, sequential and exceptions testing in line with the NPPF is required. It is for the Local Planning Authority to steer development to areas at least risk of flooding in accordance with the sequential test (Paragraph 174 of the NPPF) and Local Plan Policy LP25.

There are other sites currently available for residential development of an equivalent scale within Tilney St Lawrence in a lower risk of flooding. An outline application for four self-build and custom dwellings was approved along Magdalen Road in Tilney St Lawrence (planning reference 25/00276/O). The Planning Practice Guidance (PPG) advises that in order for a site to be considered 'reasonably available', the site would be capable of accommodating the proposed development and does not need to be owned by the Applicant. At the time of writing, the plots approved along Magdalen Road were advertised for sale on Rightmove.com. This site is in a location with lower flood risk. The proposal therefore fails the sequential test.

As the proposal fails the sequential test, the exception test set out in paragraph 178 of the NPPF is not required to be carried out.

To conclude, having failed the sequential test the proposed development fails to comply with paragraph 173 of the NPPF and Local Plan policies LP06, LP18 and LP25.

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

Historic Environment:

On the adjacent site, Historic Environment Services have identified that the site is in an area which is rich in archaeological remains. To the north-east of the site lies the cropmarks of a moated medieval site known as Broughton's Manor. To the north-east, east, and south-east are the cropmarks and earthworks of two Roman roads. Medieval pottery has been recovered from fields to the west, north-west and east, while Roman pottery has been recovered from the field a short distance to the north-west. There are two significant concentrations of medieval pottery and other items to the north and to the south.

Historic Environment Services have therefore requested a schedule of conditions, which the Agent has agreed to. Had the application been recommended for approval, this would have complied with LP20 of the Local Plan 2021-2040.

Ecology and Biodiversity Net Gain:

As self-build and custom dwellings, the proposal would be exempt from providing Biodiversity Net Gain (BNG) under Schedule 7A of the Town and Country Planning Act 1990, subject to the tenure of the dwellings being secured by legal agreement.

Notwithstanding exemption from providing 10 per cent biodiversity net gain, new development has a duty to deliver gain under the NPPF.

The application is accompanied by an Ecological Impact Assessment (EIA). Ecological enhancements include the provision of 3 bird boxes, 3 bat boxes and a diverse species mix for any grassland. Our Senior Ecologist is reviewing a recent site-specific submission as the initial EIA related to the adjoining sites to the south. Comments will be reported as late correspondence.

Whilst the site falls within the Brecks, Wash, and Norfolk Coast Zone of Influences, it is not within close proximity to these zones and therefore a bespoke appropriate assessment is not required. The development proposes a net of three dwellinghouses. As such a mitigation fee of £315.58 per dwelling (from 1 April 2026) would be required to be paid to offset recreational impacts to Zones of Influence (Zols) (a total of £946.74). No payment has been made to offset the recreational impacts to these zones. There is no mechanism to do so, so the proposal fails to accord with Policies LP19 & LP23 of the Local Plan.

Climate Change:

All development shall recognise and contribute to the importance of, and future proofing against, the challenges of climate change and to support the transition towards meeting the Government target of becoming a net zero economy by 2050 as outlined in Policy LP06 of the Local Plan. As demonstrated above, this development is not in a sustainable location and criterion 1 of Policy LP06 would not be met.

CONCLUSION

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

The proposal is located outside of the development boundary of Tilney St Lawrence and contrary to the Council's strategic strategy with regard to the provision of windfall residential development in tier 4 settlements being in with adjoining the development boundary. Some weight is afforded to the self-build and custom nature of the development when considering the planning balance as the Council does not have an adequate supply of self-build and custom housing. There could also be some benefit associated with the addition of a footpath along this road frontage linking the land to the defined village.

Notwithstanding this, the adverse impact of the proposal, when considering the impact upon the character and appearance of the countryside and erosion of a significant gap between pockets of housing, is considered to outweigh the positive contribution that the granting of three self-build and custom dwellings and a footpath along Church Road. Significantly, the proposal also fails the Sequential Test with regards to Flood Risk. The granting of the proposal is considered to cause significant and demonstrable harm and should therefore be refused in accordance with the development plan.

It is therefore recommended the Members refuse the application under Local Plan Policies LP01, LP02, LP06, LP13, LP18, LP19, LP21, LP23, LP25 and LP31 and provisions of the NPPF.

RECOMMENDATION:

REFUSE for the following reason(s):

- 1 Policy LP02 of the Local Plan 2021-2040 supports residential windfall development subject to meeting the criteria. Tilney St Lawrence is a Tier 4 settlement. The site lies well outside the defined development boundary of Tilney St Lawrence and therefore does not adjoin the development boundary. Moreover, the proposed development would result in the consolidation of, and erosion of, a significant gap between the currently sporadic rural housing along Church Road.

Notwithstanding the Council's current lack of deliverable Custom & Self-Build housing sites, the adverse impacts upon the character of the surrounding area would significantly and demonstrably outweigh the benefits of three additional homes in the borough. The proposal is therefore contrary to the provisions of the NPPF and Policies LP01, LP02, LP06, LP13, LP18, LP19, LP21 and LP31 of the Local Plan (2021-2040).

- 2 The site is located in Flood Zone 3a and a Tidal Hazard mapping area as identified by the Council adopted Strategic Flood Risk Assessment (SFRA) 2018 and Environment Agency's updated flood map. There are other available sites in Tilney St Lawrence for a similar quantum of housing in an area of lower flood risk. The proposal would therefore fail the sequential test and would not meet paragraphs 173 - 177 of the NPPF and Policies LP06, LP18 and LP25 of the Local Plan (2021-2040).
- 3 The application is accompanied by a shadow Habitat Regulations Assessment which has been adopted by the Council. This indicates that there is a potential for effects on protected Habitats Sites from cumulative recreational pressures from new housing development in the borough. However, this can be mitigated by a GIRAMS payment (currently £315.58 per dwelling). The quantum of development is defined but there is no mechanism in place to secure this GIRAMS payment, so the proposal fails to accord with Policies LP19 & LP23 of the Local Plan.



Appeal Decision

Site visit made on 6 January 2026

by **R Gee BA (Hons) Dip TP PGCert UD MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 30 January 2026

Appeal Ref: APP/V2635/W/25/3375160

Land opposite Fair Field, School Road, St John's Fen End PE14 7SG

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant outline planning permission.
 - The appeal is made by Mr and Mrs Fitzpatrick against the decision of King's Lynn and West Norfolk Borough Council.
 - The application Ref is 25/00400/O.
 - The development proposed is self-build plots.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The application is in outline form with all matters except for access reserved. A plan has been submitted which indicates how 5no. residential dwellings could be accommodated on the site.
3. As part of the appeal submission the appellant submitted revised indicative site layout plans¹. The Procedural Guide: Planning Appeals – England² advises that the appeal process should not be used to evolve a scheme, and that it is important that what is considered by the Inspector at appeal is essentially the same scheme that was considered by the local planning authority and by interested parties at the application stage. Notwithstanding that, in deciding whether to accept the revised plans I have had regard to the judgment of the High Court in *Holborn Studios*² (which refined the long-standing and well-understood “Wheatcroft principle”³), and whether any prejudice would occur.
4. In this case, although the changes are an attempt to address some parts of the reasons for refusal, given the plans are for indicative purposes only, in my view acceptance of the plans would neither alter the fundamental nature of the scheme nor introduce changes on which considerations of “natural justice” might suggest it necessary to fully re-consult interested parties.
5. I have therefore taken the layout of development shown in the submitted site plans into account as indicative only in relation to my consideration of the principle of the development on the appeal site.

¹Appendix 5 - PP1001 and PP1002

²*Holborn Studios Ltd v The Council of the London Borough of Hackney* [2017] EWHC 2823 (Admin)

³ *Bernard Wheatcroft Ltd v SSE* [JPL 1982 P37]

Main Issues

6. The main issues are:
- i) whether the site is an appropriate location for housing, having regard to the spatial strategy of the development plan and character and appearance;
 - ii) whether a satisfactory access can be achieved; and
 - iii) whether the scheme is acceptable in respect of flood risk.

Reasons

Location

7. Policy LP01 of the Kings Lynn and West Norfolk Local Plan 2021-2024 (LP) sets out a spatial strategy and settlement hierarchy, which focuses the majority of development towards the settlements of Kings Lynn, Downham Market, Huntstanton and at the edge of Wisbech. This is to continue to support their roles as established large settlements reflecting their infrastructure to support growth.
8. The LP identifies a 6-tier settlement hierarchy, with Tier 1 being the most sustainable and at the bottom of the hierarchy, at Tier 6, are smaller villages and hamlets. Terrington St John is identified as a Tier 4 settlement (key rural service centres).
9. It is not disputed between the parties that the site lies outside of the Terrington St John development boundary, as defined by Policy 1: Village Development Boundary of the Terrington St John Neighbourhood Plan (NP). Whilst the site is not isolated⁴, its position outside of the settlement boundary brings the scheme into conflict with the Council's spatial strategy.
10. Policy LP02 of the LP supports the development of windfall sites for new residential development outside of, but adjoining development boundaries, where it meets a number of criteria. Amongst other things, this includes where it respects or enhances the character of the adjoining settlement and countryside and can be readily assimilated into the existing fabric of the adjoining built up area.
11. The settlement of Terrington St John is characterised by a nucleus of development to the north around the junction of School Road with Main Road and with linear development along School Road to the south. The western side of School Road comprises closely spaced dwellings, which are encompassed by the settlement boundary. This contrasts with the eastern side of the road which is characterised by fields and small clusters of sporadically spaced dwellings set in deep and wide plots.
12. The appeal site comprises a largely rectangular parcel of land located on the eastern side of School Road, set down from the highway. The appeal site is largely open in character and is an area of separation that creates a break between built development. The land is divided into paddocks by post and rail fencing. It is relatively flat and open, with the exception of some lightweight structures. A mature hedgerow lies along the site frontage, contributing positively to the site's verdant appearance.

⁴ Braintree DC v SSCLG, Greyread Ltd & Granville Developments Ltd [2018] EWCA Civ 610

13. The appellant advances that the proposal would be a form of infill development, noting residential properties either side of the site. To the north of the appeal site lies a single storey property, known as Peace Wood, set within a substantial plot that includes various outbuildings and structures. To the south is No 1 Gambles Terrace (No1), a two-storey property, which has an extensive front and side landscaped garden which places the dwelling some distance from the shared boundary with the appeal site.
14. Although not one of the exceptions listed in Policy LP02 of the LP, whether the proposal would comprise infill development is a question of planning judgement based on an assessment of the site and its surroundings. I consider that infill development is normally associated with the completion of an otherwise substantially built-up frontage. Whilst it is not disputed that the appeal site is flanked by built form, the appeal site comprises a wide, open gap between the two properties, interspersed with areas of mature vegetation. There are notable gaps between properties located on the eastern side of School Road and consequently, the proposal would not consolidate an otherwise substantially built-up frontage.
15. The appellant has submitted revised indicative plans⁵ to provide a series of alternative schemes in demonstrating how the dwellings could be laid out across the site to reflect a looser and less regular arrangement of development. The appellant has indicated a willingness to accept a condition which commits the layout of the site to one of these revised plans. However, layout is reserved for subsequent approval and, therefore, not within the scope of matters to be determined at this application stage.
16. Even if the layout of development were to reflect a looser form of development, the introduction of built form would reduce the gap that exists between Peace Wood and No 1 and the sense of openness which positively contributes to the rural character and appearance of the area. Irrespective of the height, mass or external appearance of the proposed dwellings, development of the site would result in a suburban appearance that would be at odds with the loose pattern of development along the eastern side of School Road. This could not be resolved at reserved matters stage as it goes to the heart of this main issue.
17. Furthermore, whilst recognising that the layout plans are indicative in respect of layout, access is not a reserved matter and is therefore of relevance to this appeal. Three vehicular accesses are sought from School Road. This would inevitably result in the removal of sections of hedgerow which would diminish the verdant character and appearance of the site. Whilst landscaping could be secured at the reserved matters stage, to help soften the visual appearance of the development, protect residential amenity of future occupiers and provide ecological benefits, I am not satisfied that landscaping would overcome the harms identified.
18. The appellant refers to a recent development of 5no dwellings on the north of the appeal site. Although proximate to the appeal site the context of this site differs from the appeal before me as this lies on the western side of School Road where the built form is consolidated. Accordingly, the presence of this development does not lead me to a different conclusion on this appeal.
19. For the reasons stated above, I conclude that the proposal would be materially harmful in terms of character and appearance and therefore would not be suitably

⁵ PP1001 and PP1002, Appendix 5

located having regard to the spatial strategy of the development plan. Conflict therefore arises with Policies LP02 and LP21 of the LP and Policy 1 of the NP, as outlined above.

Access

20. A substantial ditch is present to the front of the site which has trees and bushes growing in and over it. In response to the Council's reason for refusal Land Registry details submitted indicates that the ditch lies within the ownership of the appellant.
21. The evidence indicates that the land required for the visibility splays is largely within the ownership of the appellant. Any deficit in respect of the access to serve Plot 1 would be marginal, and any shortfall would not be severe in terms of highway safety. Accordingly, I am satisfied, should I be minded to allow the appeal, that a planning condition could be imposed to secure the provision of visibility splays.
22. Subject to the imposition of a planning condition the proposal would secure an appropriate access to ensure compliance with Policies LP13 and LP21 of the LP insofar as these require the provision of a safe and convenient access for all.

Flood risk

23. It is not disputed between the parties that the appeal site lies within Flood Zone 3, as identified in the Strategic Flood Risk Assessment 2018 (SFRA) and a tidal hazard area, which could flood should the tidal defences be breached.
24. The SFRA seeks to guide planned growth and future developments away from areas of high flood risk, including the coastal area. The National Planning Policy Framework (the Framework), with supporting Planning Practice Guide (PPG) provides Government policy in respect of planning and flood risk, whereby inappropriate development in areas at risk of flooding should be avoided by directing development away from places at highest risk. This includes, where necessary, the applying of the sequential and exception tests to steer new development to areas with the lowest probability of flooding.
25. Based on the site-specific Flood Risk Assessment, the development meets part b) of the Exception Test, as the evidence indicates that development would be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and reducing flood risk overall. However, part a) must also be satisfied. This requires the development to provide wider sustainability benefits to the community that outweigh the flood risk.
26. Although not an exhaustive list, the PPG⁶ identifies that such benefits could include the re-use of suitable brownfield land as part of a local regeneration scheme, an overall reduction in flood risk to the wider community through flood risk management infrastructure, or the provision of multifunctional sustainable drainage systems. The implication of these examples is that they would positively impact a substantial number of people or make a substantial environmental difference. Accordingly, these examples do not apply to the appeal site.
27. Having regard to the conflict with the spatial strategy and the significant harm to the rural landscape it is not considered that the proposal would provide sustainability

⁶ Paragraph: 036 Reference ID: 7-036-20220825

benefits which would outweigh the flood risk. Therefore, part a) of the Exception Test is not met.

28. Concluding on this matter, the development is at risk of flooding, and this is not outweighed by any wider sustainability benefits to the community. This draws the proposal into conflict with Policies LP18 and LP25 of the LP and paragraph 179 of the Framework insofar as it seeks to steer new development away from areas as the highest risk of flooding.

Other Matters

29. The proposal would make a positive contribution to the borough's housing land supply, to which I give moderate weight. The development would make an effective use of land, for which the Framework provides general policy support of small and medium sites such as this.
30. The appellant indicates that the development would create low carbon energy efficient dwellings with the suggestion of agreement to a condition relating to an Energy Performance Certificate (EPC) rating of A or B. Whilst the aspiration to create low carbon dwellings is welcomed the proposal is at outline stage, and it would not be reasonable to impose such a condition at this stage, which, in any event, would be covered by other regimes. Nevertheless, considering the emphasis of the Framework on using natural resources prudently, minimising waste and pollution, and moving to a low carbon economy, it is not unusual for new dwellings to be designed to high environmental standards.
31. The appellant advances that the proposal would help sustain existing services, in compliance with Policies CS10 and CS13 of the Core Strategy, which seek to protect and enhance economic and community facilities. The development would give rise to some economic benefits during the construction phase and provide limited support to local services through additional consumer spending. Whilst these elements weigh in favour of the proposal, the benefits would be tempered due to the scale of the proposed development.
32. The appellant indicates the provision of a footpath extension and a traffic island, to help reduce speed in this location, reflecting the aspiration of the NP to reduce speed through the village. Whilst an extension to the footway would provide some public benefit in respect of the proposed traffic island limited information is before me. Nevertheless, this would be on third party land, and no mechanism is before me to secure such provision.
33. The proposal is presented as a self-build/custom build (SBCB) scheme. The appellant has drawn my attention to the Council's self-build action plan which refers to introducing a new policy which allows for small-scale development to take place outside of development boundaries. The Council acknowledge that it is currently unable to fulfil its duty to demonstrate a sufficient supply of SBCB housing in the Borough. The provision of SBCB dwellings therefore would be of benefit, weighing in favour of the scheme.
34. A legal agreement, under the provisions of S106 of the Town & Country Planning Act 1990, is likely to be the most appropriate method of ensuring that the development is self or custom build rather than market housing. Nevertheless, a condition has been suggested by the appellant, with my attention drawn to an

appeal decision⁷. Whilst noting that the Council do not contest the suggested condition I do not agree with that approach. Having regard to the PPG I am not satisfied that it is a satisfactory mechanism to adequately enforce as such. Consequently, I attribute very limited weight to the proposal as a SBCB. However, even if I had been satisfied that the SBCB requirement was adequately secured, given the scale of the proposal the benefits would be modest.

35. Having regard to the benefits advanced by the appellant I do not consider them to be of individual, or cumulative, benefit to represent wider sustainability benefits to outweigh the conflict in respect of flood risk.
36. My attention has been drawn to 4no self-build plots at a site within nearby Tinley St Lawrence⁸ with the appellant asserting that the same policy considerations of Policy LP02 apply and a planning balance in favour of the self-build. From the evidence before me, whilst there may be some similarities, unlike the appeal scheme, the proposal was considered to assimilate well into a cluster of existing houses. Furthermore, the information before me indicates that the site was in a different village and in area of lower flood risk than the appeal site before me. As such the site context differs substantially. In any event, I have determined the appeal on its own merits.
37. The appeal site falls within the zone of influence of a number of designated European habitat sites. The evidence indicates that, without mitigation, there could be potential significant effects on these sites from additional recreational pressure. Given my other concerns with the scheme and that this matter is not in dispute, I do not consider this further. Had I been minded to allow the appeal, further representations would have been required on this matter.

Planning Balance and Conclusion

38. Section 38(6) of the Planning and Compulsory Purchase Act 2004 says development should be in accordance with the development plan 'unless material considerations indicate otherwise', and this is reaffirmed in the Framework.
39. There is no dispute that the Council cannot demonstrate a sufficient supply of deliverable housing. Paragraph 11 d) of the Framework indicates that, where the requisite housing land supply cannot be demonstrated, permission should be granted unless the application of policies in the Framework that protect areas or assets of particular importance provides a strong reason for refusing the development proposed. In accordance with footnote 7 of the Framework, as I have found the scheme would be at risk of flooding, it is the case that the policies in of the Framework provide a strong reason for dismissing the appeal. As such, the proposal does not benefit from the presumption in favour of sustainable development.
40. I have concluded above that the proposal conflicts with the development plan, when taken as a whole. Other considerations do not indicate that permission should be granted contrary to the development plan. Therefore, the appeal is dismissed, and planning permission is refused.

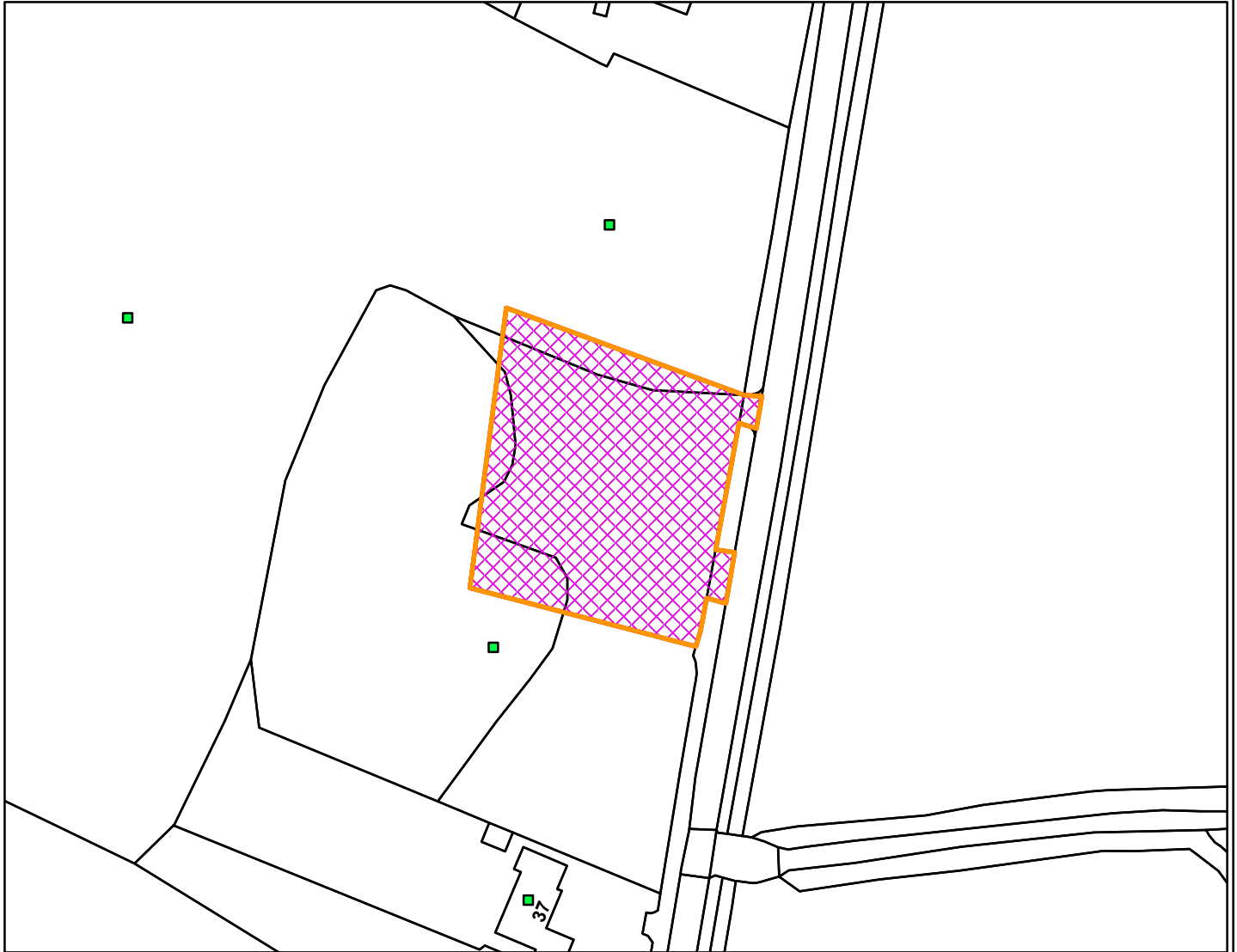
R. Gee INSPECTOR

⁷ APP/F2415/W/22/3303898

⁸ 25/00276/O

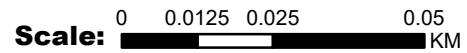


Land North of 37 Church Road Tilney St Lawrence PE34 4QQ



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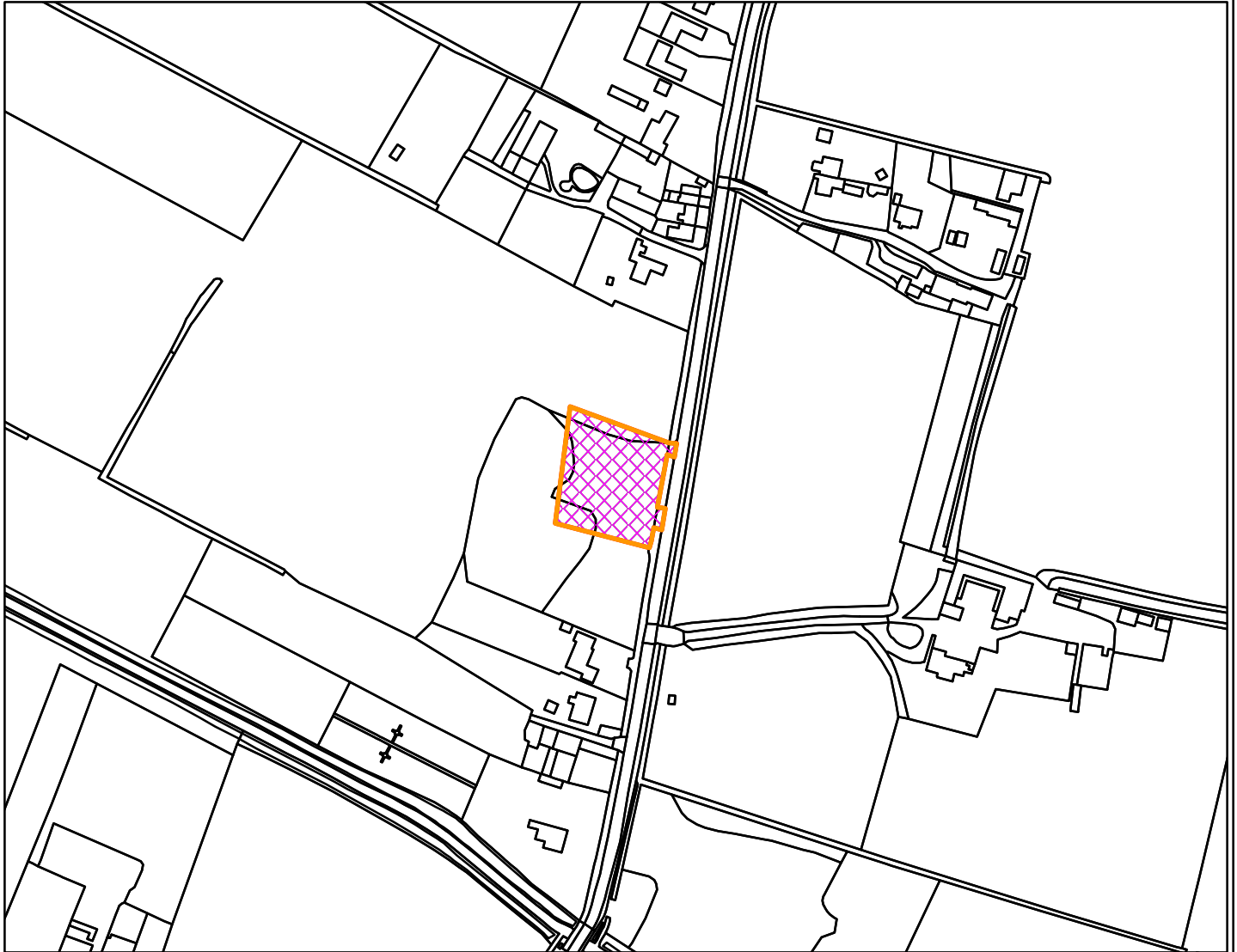


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Ordnance Survey AC0000819234

Organisation	BCKLWN
Department	Department
Comments	Not Set
Date	29/04/2026
MSA Number	0100024314

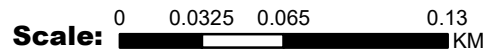


Land North of 37 Church Road Tilney St Lawrence PE34 4QQ



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Organisation	BCKLWN
Department	Department
Comments	Not Set
Date	29/04/2026
MSA Number	0100024314

AGENDA ITEM NO 9/1(d)

Parish:	Tilney St Lawrence	
Proposal:	SELF-BUILD - Proposed 3no. plots	
Location:	Land North of 37 Church Road Tilney St Lawrence Norfolk PE34 4QQ	
Applicant:	Mr J Blyth	
Case No:	25/01775/O (Outline Application)	
Case Officer:	Helena Su	Date for Determination: 22 December 2025 Extension of Time Expiry Date: 30 May 2026

Reason for Referral to Planning Committee – At the instruction of the Planning Committee Sifting Panel.

Neighbourhood Plan: No

Case Summary

This application is an Outline application, with all matters reserved, for the development of three self-build and custom dwellinghouses along Church Road in the Parish of Tilney St Lawrence. The site lies approximately 430m from cross junction of Church Road, St Johns Road, Magdalen Road, School Road.

Tilney St Lawrence, combined with Terrington St John and St John's Highway, is classified as a Tier 4 (Key Rural Service Centre) settlement under Policy LP01 of the Local Plan 2021-2040.

Key Issues

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

Recommendation:

REFUSE

THE APPLICATION

This application is an Outline application, with all matters reserved, for the development of three self-build and custom dwellinghouses along Church Road in the Parish of Tilney St Lawrence. The site lies approximately 430m from cross junction of Church Road, St Johns Road, Magdalen Road, School Road.

Tilney St Lawrence, combined with Terrington St John and St John's Highway, is classified as a Tier 4 (Key Rural Service Centre) settlement under Policy LP01 of the Local Plan 2021-2040.

The site comprises approx. 0.25ha of uncultivated grade 2 agricultural land and lies on the western side of Church Road. In all directions, the site is surrounded by agricultural fields and paddocks, with sporadic residential development, focussed to the western side of Church Road.

It lies well beyond the defined village boundary by 350m, and is in Flood Zones 2, 3a and Tidal Hazard mapping zone.

Outline planning permission has also been sought on the sites directly to the south and north of the application site. Each of these sites is in separate ownership. The outline application to the south (reference 25/01752/O), proposing two dwellings, was refused on the grounds of principle of development and harm to form and character of the countryside setting, and for failing the exception test in relation to flood risk.

The outline application to the north (reference 25/01749/O) is also before Members at this Planning Committee for determination. The recommendation for application 25/01749/O is to refuse.

APPLICANT/AGENT SUPPORTING CASE

The agent has submitted the following information in support of the proposed development:

Policy LP02 of the Local Plan establishes a presumption in favour of development within defined settlement boundaries, and, where sites fall outside, supports proposals that are adjacent to those boundaries and meet specified criteria. While the application site does not lie within, or directly adjoin, a defined development boundary, it is nonetheless located within a clearly established residential frontage along Church Road. The site is physically and functionally related to existing built form, and does not represent isolated or sporadic development in the open countryside.

The underlying purpose of directional housing policies, including LP02, is to safeguard the character and appearance of the countryside and to promote sustainable patterns of growth. In this instance, the proposal comprises residential development within an already established residential context. As such, the visual and landscape impact will be negligible, with the development read as a natural continuation of the existing built form. The proposal therefore accords with the overarching aims of the policy, and it is reasonable to conclude that it complies with the spirit and intent of LP02 by virtue of its sustainable location and close relationship to existing development.

A further material consideration of significant weight in this case is the delivery of self-build dwellings. The Council's Custom and Self-Build Position Statement (May 2025) identifies a substantial shortfall of 162 plots across the Borough, demonstrating a clear and pressing unmet demand.

National policy also provides strong support. Paragraph 73 of the National Planning Policy Framework 2024 emphasises the role of small sites and requires authorities to support self-build housing. In addition, the Levelling-up and Regeneration Act 2023 and associated 2024 Regulations strengthen the duty to meet this demand, with only self-build permissions counting toward supply. Given the current shortfall, this carries significant weight in decision-making.

When considered in the round, the site's sustainable location, its integration with existing development, and the absence of any material harm align with the objectives of local and national policy. The provision of these self-build plots represents a clear public benefit, directly contributing to meeting an identified and evidenced housing need. This benefit should weigh heavily in favour of the proposal and, when balanced against the limited policy conflict arising from the site's position outside the defined boundary, is sufficient to justify a favourable determination.

Finally, the agent has worked proactively with the Local Highway Authority throughout the application process. Agreement has been reached to deliver a new footpath, providing a safe and direct pedestrian link to the village centre. This improvement will be secured via a condition of any planning approval and a Section 278 Agreement and is supported by the Highway Authority, further reinforcing the site's sustainability credentials and the benefits for both new and existing residents of the village.

PLANNING HISTORY

2/04/0411/O: Application Refused: 14/04/04 - Site for construction of dwelling

2/95/0553/O: Application Refused: 13/06/95 - Site for construction of dwellinghouse

RESPONSE TO CONSULTATION

Parish Council: SUPPORT

Will enhance the character of the area.

Local Highway Authority:

Initial comments on 21 November 2025 -

It is noted that this outline application is submitted as an all matters reserved at this stage. Having reviewed the plans, it is anticipated that private points of vehicle access with parking facilities could ultimately be achieved in accordance with the NCC adopted guidance Safe, sustainable Development subject to detail.

However, where we do have concern, is in relation to the accessibility to the site for pedestrians. Having visited the site it is apparent that Church Road is without continuous footway provision leading to the site. There is a footway 160m to the south on the opposite side of the road, but residents of this application site would be forced to first compete for space in the live unlit carriageway or walk on the verge, which can be wet and mudded.

In addition the National Planning Policy Framework (NPPF) supports through section 9 Promoting sustainable transport & para 117, in particular points to the need to 'give priority first to pedestrian and cycle movements' and 'so far as possible - to facilitating access to

high quality public transport, with layouts that maximise the catchment area for bus or other public transport services, and appropriate facilities that encourage public transport use'...

Sustainable transport policies are also provided at a local level through Norfolk's 3rd local transport plan Connecting Norfolk - Norfolk's Local Transport Plan 4 Strategy for 2021 2036. Policy 5 of this document states "We will work with partners to inform decisions about new development ensuring they are well connected to maximise use of sustainable and active transport options'... Policy 6 is also relevant in that it states 'We will work with the development community and local stakeholders to ensure greener transport solutions are embedded in land-use planning to significantly reduce traffic generation by private car'.

It is therefore the view of the Local Highway Authority that the application as submitted does not provide safe access for pedestrians in accordance with the recommendations of the NPPF and planning policies.

It is however evident that the existing highway verge is of sufficient width to facilitate the construction of a footway link from and across the development site frontage then to the existing provisions found the other side of the culver to the south. We therefore recommend that the applicant be asked to provide a revised plan which indicates that a footway link would be provided to mitigate the highway concern.

It is hope that such a provision will be provided. However, in relation to the application as submitted we recommend the following Holding recommendation for refusal.

Updated comments on 23 April 2026 -

The LHA can confirm that they have had correspondence with the agent for the two applications (25/01749/O and 25/01775/O) and the attached reflects an agreed in principle scheme that addresses our previous concerns and would remove the recommended holding objection, on the basis that the footway is then provided.

So that the plots are not sold independently and the footway realisation becomes problematic, at this All Matters Reserved stage, the LHA would recommend that conditions be applied to both applications.

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

The proposed development site lies in an area rich in archaeological remains. A short distance to the northeast lie the cropmarks of a moated medieval site known as Broughton's Manor, while to the northeast, east and southeast are the cropmarks and earthworks of two Roman road. Medieval pottery has been recovered from fields to the west, northwest and east, while Roman pottery has been recovered from ta field a short distance to the northwest. There are two significant concentrations of medieval pottery and other items to the north and to the south. Consequently, there is potential that heritage assets with archaeological interest (buried archaeological remains) will be present at the site and that their significance will be adversely affected by the proposed development.

If planning permission is granted, we therefore ask that this be subject to a programme of archaeological mitigatory work in accordance with National Planning Policy Framework, Ministry of Housing, Communities & Local Government (2024) para. 218.

Internal Drainage Board: Consent may be required under Byelaw 3 and 10.

Environment Agency: NO OBJECTION

We have no objection to the proposed development but strongly recommend that the mitigation measures proposed in the submitted Flood Risk Assessment (FRA), referenced ECL1620-2/SWANN EDWARDS ARCHITECTURE and dated SEPTMBER 2025, are adhered to. In particular, the FRA recommends that:

- Finished floor levels will be set no lower than 0.5m above existing ground levels.
- Flood resilient / resistant measures will be incorporated into the development up to 300mm above finished floor levels.
- All sleeping accommodation on the first floor.
- The occupiers of the dwellings should register to receive flood warnings.

Anglian Water: NO OBJECTION, with suggested pre-commencement drainage condition and informatives.

Section 2 (Wastewater Treatment) and Section 3 (Used Water Network)

When assessing the receiving water recycling centre's (WRC) dry weather flow (DWF) headroom we take the latest Q90 DWF figures, as verified by the Environment Agency, and add sites with planning consent to this. Based on the above assessment, West Walton WRC is within the acceptance parameters and can accommodate the flows from the proposed growth.

The sewerage network at present has available capacity for the anticipated foul flows. If the developer wishes to connect to our sewerage network they should serve notice under Section 106 of the Water Industry Act 1991. We will then advise them of the most suitable point of connection.

Section 4 (Surface Water Disposal)

The preferred method of surface water disposal would be to a sustainable drainage system (SuDS) with connection to sewer seen as the last option. Building Regulations (part H) on Drainage and Waste Disposal for England includes a surface water drainage hierarchy, with infiltration on site as the preferred disposal option, followed by discharge to watercourse and then connection to a sewer. From the documents submitted, there are no confirmed details of how surface water will be discharged. There are no designated public surface water sewers within the vicinity of the proposed development, and surface water must not connect to a designated public foul sewer. Therefore, Anglian Water will be unable to serve the sites surface water disposal requirements. Anglian Water request a condition is applied.

Norfolk Constabulary - Secured by Design: Offered advice on how to provide a secure design. Full comment on public access dated 10 November 2025.

Ecology Officer: NO OBJECTION subject to conditions and informative.

The following documents have been submitted in support of this application and are relevant to these comments:

- Ecological Impact Assessment (EIA) (Glaven Ecology, October 2025)

The applicant claims an exemption from biodiversity net gain under the self-build and custom build exemption, which is not controversial. However, every development has a duty under the NPPF to deliver a net gain in biodiversity irrespective of an exemption from biodiversity net gain. The EIA recommends 3 bird boxes, 3 bat boxes and a diverse species mix for any grassland. This alone is unlikely to deliver a net gain given the loss of mature hedgerow for access and the loss of grassland under the footprint of the building.

The EIA states that there is scope to include mixed native hedgerows along the site boundaries. This recommendation should be followed through to ensure a gain is achieved. Created hedgerows could be planted with trees to account for some of the area habitat lost. To ensure proposals will deliver a net gain in biodiversity and not result in a net loss I recommended that an Environmental Design Strategy is conditioned and this should include the recommendation made here and within the EIA.

The proposals will result in increased overnight accommodation which triggers GIRAMS and so a sHRA should have been submitted and the tariff paid.

Assuming the above is resolved, the Ecologist has no objection to the proposed development.

Arboricultural Officer: NO OBJECTION subject to condition.

Subject to appropriate landscaping at reserved matters stage, the Arboricultural Officer raise no objection in principle.

The site on the western side of Church Road is currently defined along its frontage by a long established but unmanaged hedgerow. The submitted arboricultural assessment reasonably identifies the hedgerow as lapsed and neglected, with gaps and limited management in recent years.

The indicative layout shows three detached dwellings with access taken through this old hedgerow. This will necessitate partial removal of the frontage hedge and, in practice, it is likely that an entirely new boundary treatment would be established as part of any future development. While I raise no objection in principle to the proposal at outline stage, it will be important to ensure that the rural character of Church Road is retained.

At reserved matters stage, I would expect a detailed landscaping scheme to accompany the submission. This should include a comprehensive planting plan and proposals for the establishment of a new, robust native hedgerow along the frontage to provide a continuous green boundary appropriate to this rural setting. The creation of a strong green frontage will be essential to integrate the development into the landscape and to preserve the character of the western side of Church Road.

Subject to appropriate landscaping at reserved matters stage, the Arboricultural Officer raise no objection in principle.

Emergency Planning Officer: Because of its location in an area at risk of flooding I would suggest that the occupiers:-Should sign up to the Environment Agency flood warning system (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

One OBJECTION comment.

- This application is one of several applications for similar self-build dwellings.
- Too many accesses being created on Church Road to facilitate these applications.

- No objection to the idea of new homes by the number of houses being requested and attempt to create densely packed homes which do not take into account the local character of old workers cottages, Victorian and Georgian homes and some newer dwellings.
- Would be a shame for Church Road to lose its unique rural feel which is dependent on the variety and styles of housing interspersed with fields and trees.
- Over development of the site and impact on the access road.

Cllr Barry Ayres: (Referring to application refs: 25/01749/O, 25/01775/O & 25/01752/O)

"May I reinforce Mr Blyth's comments the area in question is an area with modern LED footway lights, the village has extensive amenities, both in this village and in nearby Terrington St John. The area was originally the site of cottages and barns, and the land has not been farmed for over 100 years although this is of little concern as the area in question is relatively small. The whole area is at present untidy, unfarmed and the existing hedgerow is in a very poor state, in my opinion the whole area would benefit greatly from this diverse development, and would only serve to enhance the street scene, and improve the overall appearance of Church Road and the village as a whole."

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

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

LP02 - Residential Development on Windfall Sites (Strategic Policy)

LP03 - Neighbourhood Plans (Strategic Policy)

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)

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

LP30 - Adaptable & Accessible Homes (Strategic Policy)

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

NEIGHBOURHOOD PLAN POLICIES

NATIONAL GUIDANCE

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

OTHER GUIDANCE

PLANNING CONSIDERATIONS

The main considerations are:

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

Principle of Development:

This is an Outline application for three self-build and custom plots for dwellings. All matters are reserved for later consideration, but the indicative plan shows three similar sized plots fronting Church Road with individual access points which would create breaks in the existing hedge line.

Section 38(6) of the Planning and Compulsory Purchase Act 2004 and paragraph 48 of the NPPF requires that applications for planning permission be determined in accordance with the development plan unless material considerations indicate otherwise.

Tilney St Lawrence, combined with Terrington St John and St John's Highway, is classified as a Tier 4 (Key Rural Service Centre) settlement under Policy LP01 of the Local Plan 2021-2040.

Under Policy LP02 of the Local Plan, in Tier 4 settlements as defined by Policy LP01, proposals for new residential development outside of, but adjoining development boundaries, as defined on the Policies Map, will be supported provided they comply with other relevant policies of the development plan, and meet the criteria set out under Part 1 of this Policy, as well as the following criteria:

- a. It respects or enhances the character of the adjoining settlement and countryside, and can be readily assimilated into the existing fabric of the adjoining built up area; and
- b. It can be supported by existing and future service and infrastructure provision, or adverse effects can be mitigated through financial contributions towards improving provision; and
- c. It is not located within the boundary of the Norfolk Coast National Landscape, and would not adversely affect its setting; and
- d. It preserves or enhances the significance of nearby heritage assets and their settings, and protects and enhances the appearance and character of designated and valued landscapes; and

e. It would maintain the physical separation between existing settlements and protect their identity.

A similar application was considered by the Planning Inspectorate (appeal reference APP/V2635/W/25/3375160; planning reference 25/00400/O) (attached as an appendix to this report), for an Outline application for up to five dwellinghouses on a site which adjoins the development boundary of Terrington St John. Although that appeal site lay close to the settlement boundary, the Inspector concluded that its development would conflict with Policy LP02 due to its position in relation to that boundary. The Inspector also found that the introduction of five dwellings into a gap that contributes positively to the area's verdant character would cause unacceptable harm. On this basis, the appeal was dismissed. This decision should be afforded significant weight in determining the current application, as both sites relate to the same development boundary and raise comparable policy considerations, plus the development plan has primacy given that it is a recently adopted plan.

The site is located approximately 350m from the development boundary of the village and therefore does not adjoin it. Development in this location would result in material harm to the character and appearance of the area. Although no details of appearance, scale, or layout have been provided, the principle of developing this site would interrupt a long, open stretch of Church Road, consolidating residential built form within the countryside. The potential introduction of a footpath would further urbanise the rural character.

The development would fail to comply with part 1a and 2a of policy LP02 of the Local Plan 2021-2040.

Paragraph 83 of the NPPF states that housing should be located where it will enhance or maintain the vitality of the rural communities. The Planning Agent has demonstrated that a footpath could be provided to the west side of Church Road. Subject to details to be submitted and agreed by the Local Highway Authority, future occupiers could access provisions such as shops, schools, public transport, which can be found within the village. The development of this site for three dwellings has not been justified in line with paragraph 83 and moderate weight is afforded to this.

From 1st April 2024 the Council can demonstrate 7.9 years' worth of housing supply and as of 26th March 2025, the Council can demonstrate 80 per cent housing delivery. At the present time, the Council have a shortage of self-build and custom sites.

The NPPF explains in footnote 28, 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. However, this does not mean development is automatically granted but would be afforded weight when determining the application. In this instance 'some' weight is given to this matter.

Furthermore, Policy LP31 of the Local Plan supports proposals where they respect local character and comply with other relevant policies in the plan. Self-build and custom dwellings would have to be secured via legal agreement.

Therefore, whilst the potential of three self-build and custom dwellings in this location would be afforded weight, this does not outweigh the policies within the Local Plan. The site would be located in an unsustainable location and result in harm to form and character of this countryside setting as per policies LP02, LP18 and LP21 of the Local Plan and the NPPF.

Form and Character:

Policies LP18 and LP21 ensure that development in the borough is of high quality, conserving and enhancing the amenity of the wider environment, by supporting development which is sympathetic to the local setting and pattern of adjacent streets, including spaces between buildings, through high-quality design and use of materials.

Furthermore, LP31 of the Local Plan 2021-2040 supports custom and self-build dwellings where they respect local character and comply with other relevant policies in the plan.

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.

Finally, paragraph 187 of the NPPF seeks to ensure planning policies and decision should contribute and enhance the natural and local environment by protecting and enhancing valued landscapes and recognise the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services.

As an Outline application, full details regarding design have not been submitted. Based on the indicative site plan, three detached dwellings are proposed fronting the road, within consistent sized plots.

This area is located within The Fens - Settled Inland Mashes within the Landscape Character 2007, characterised by large scale, low-lying landscape, offering a sense of openness and a moderate to strong sense of tranquillity.

Church Road is characterised by loose knit ribbon development heading north out of the village from the crossroads junction towards the A47. The road has a predominantly verdant character, with mature trees and hedgerows lining both its eastern and western sides.

Residential development on the western side of the road comprises a Georgian farmhouse, converted traditional barns, plus a more contemporary bungalow and house just north of the bridge. Beyond this small cluster, and to the rear, there are open fields mostly set behind established roadside hedging and odd trees. This is reflected on the eastern side of the road which is more open in character with larger detached dwellings set within substantial mature landscaped grounds adjoining agricultural and paddock land.

Travelling northwards there is more consolidated linear/frontage development on both sides of the road continuing up to the Church.

Church Road is therefore characterised by loose knit ribbon development heading north out of the Tilney St Lawrence.

The application site lies in the middle of a gap along the west side of Church Road, which measures approximately 140m wide between a two-storey dwellinghouse (No 37 Church Road) and a bungalow (53 Church Road). The site is currently defined along the frontage by a long established, but unmanaged hedgerow.

The development of this site for three dwellings, with undeveloped land to the north and south, would unduly erode the countryside setting, creating a fragmented countryside appearance heading out of the village by consolidating residential development in the centre of the existing gap. The urbanisation of this rural setting would be further exacerbated by the provision of a proposed footpath along the western side of Church Road, which would measure approximately 190m in length.

The Arboricultural Officer commented that whilst the indicative layout shows three detached dwellings with access taken through the existing hedgerow, the reality is that a new hedgerow would have to be established as part of any future development. Whilst the Arboricultural Officer has no objection in principle to the loss of the hedge, they have requested conditions for landscaping details, which is a matter reserved for a later application.

Notwithstanding the removal and potential future planting of a hedgerow to the front boundary, the development of the site, in the middle of this gap, with undeveloped land immediately to the north and south, would disrupt and erode the rural countryside setting, further urbanising the character of Church Road by consolidate the domestic and residential appearance in this location, contrary to the rural character, and obstructing open views to the fen landscape. The provision of landscaping would not mitigate the harm caused by the construction of three dwellings. As such the proposal would be contrary to policies LP18, LP19 and LP21 of the Local Plan and the NPPF.

Furthermore, the Planning Inspector in the appended appeal decision at Paragraph 14 states:

"Although not one of the exceptions listed in Policy LP02 of the LP, whether the proposal would comprise infill development is a question of planning judgement based on an assessment of the site and its surroundings. I consider that infill development is normally associated with the completion of an otherwise substantially built-up frontage. Whilst it is not disputed that the appeal site is flanked by built form, the appeal site comprises a wide, open gap between the two properties, interspersed with areas of mature vegetation. There are notable gaps between properties located on the eastern side of School Road and consequently, the proposal would not consolidate and otherwise substantially built-up frontage."

As described above in this section, there are substantial gaps along the western side of Church Road and this proposal alone, or combined with the additional parcels/sites, would not constitute infill as defined by the Inspector above.

Impact on Neighbour Amenity:

The closest neighbours to the site would be No 37 Church Road approximately 45m to the south and No 53 Church Road approximately 52m to the north.

Based on the indicative plans, it is considered there could be sufficient distance to limit impacts to neighbours in respect to overlooking, shadowing and being overbearing due to the plot sizes to comply with policy LP21 of the Local Plan 2021-2040.

This would, however, be subject to the details of a further reserved matters application.

Highway Safety:

Access is a reserved matter, but the indicative layout plan shows three independent access points to serve the plots. In creating appropriate accesses and visibility splays this would require substantial hedge removal and cutting back. This would have a significant impact upon the appearance of the site and its countryside setting.

Policy LP14 of the Local Plan 2021-2040 sets out the number of parking spaces expected for the number of bedrooms. Parking and turning space could meet current standards within the plots and would ultimately be addressed at any reserved matters stage.

The Local Highway Authority (LHA) initially objected to the application stating the development of the site would fail to promote sustainable transport modes, comprising the safety of pedestrians, who would be forced to compete for space in the live carriageway or walk on the verge, which can be wet and mudded. Church Road is without continuous footway provision leading to the site. There is a footway approx. 180m to the south on the opposite side of the road.

Following their initial comment, the Planning Agent has stated that there is a commitment between the landowners of this to install a footpath connection up to this, and the neighbouring sites, considered under planning reference 25/01749/O. No agreement has been submitted for the Council to review. However, this would be a legal matter between the relevant parties. The Planning Agent has provided an updated plan showing the extent of the footpath. The LHA have considered this to be acceptable subject to conditions for the exact details of the footpath provision to be submitted and for the footpath to be installed prior to occupation of the dwellinghouses. Had the application been recommended for approval, the conditions would have been considered acceptable.

Notwithstanding, the addition of the footpath provision would have an urbanising effect with further detrimental impact upon the character and appearance of the countryside.

As the LHA has raised no objection in principle to the inclusion of the footpath, the proposal, subject to conditions would have been considered acceptable when considering policies LP06, LP13 and LP18 of the Local Plan and the NPPF.

Flood Risk and Drainage:

The site lies within Flood Zones 2 and 3a and Tidal Hazard mapping zone. The application is accompanied by a site-specific Flood Risk Assessment which indicates mitigation measures raising Finished Floor Levels by some 500mm above existing ground levels plus 300mm of flood resilient construction above FFL.

The development is located within Flood Zone 2 and 3, sequential and exceptions testing in line with the NPPF is required. It is for the Local Planning Authority to steer development to areas at least risk of flooding in accordance with the sequential test (Paragraph 174 of the NPPF) and Local Plan Policy LP25.

There are other sites currently available for residential development of an equivalent scale within Tilney St Lawrence in a lower risk of flooding. An outline application for four self-build and custom dwellings was approved along Magdalen Road in Tilney St Lawrence (planning reference 25/00276/O). The Planning Practice Guidance (PPG) advises that in order for a site to be considered 'reasonable available', the site would be capable of accommodating the proposed development and does not need to be owned by the Applicant. At the time of

writing, the plots approved along Magdalen Road were advertised for sale on Rightmove.com. This site is in a location with lower flood risk. The proposal therefore fails the sequential test.

As the proposal fails the sequential test, the exception test set out in paragraph 178 of the NPPF is not required to be carried out.

Regarding drainage, Anglian Water confirmed that the site falls within the catchment area of West Walton Water Recycling Centre (WWWRC) which currently has capacity to accommodate the proposed growth. Anglian Water raised some concern regarding the surface water disposal. Had the application been recommended for approval, it would have been appropriate to include a prior to commencement condition for foul and surface water drainage details.

To conclude, having failed the sequential test the proposed development fails to comply with paragraph 173 of the NPPF and Local Plan policies LP06, LP18 and LP25.

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

Historic Environment:

The Historic Environment Team identified that the site is in an area which is rich in archaeological remains. To the northeast of the site lies the cropmarks of a moated medieval site known as Broughton's Manor. To the northeast, east, and southeast are the cropmarks and earthworks of two Roman road. Medieval pottery has been recovered from fields to the west, northwest and east, while Roman pottery has been recovered from a field a short distance to the northwest. There are two significant concentrations of medieval pottery and other items to the north and to the south.

The Historic Environment Team have therefore requested a schedule of conditions, which the Agent has agreed to. Had the application been recommended for approval, this would have complied with LP20 of the Local Plan 2021-2040.

Ecology and Biodiversity Net Gain:

The application is for self-build and custom dwellings. In order to secure the site as self-build and custom dwellings, a unilateral agreement is required. The application was not accompanied by a Planning Obligation Statement to secure the site for self-build and custom builds. Had this been provided, the application could have been considered exempt from providing Biodiversity Net Gain (BNG) under Schedule 7A of the Town and Country Planning Act 1990.

Notwithstanding the above, of providing 10 per cent biodiversity net gain, development has a duty to deliver gain under the NPPF.

The application was supported by an Ecological Impact Assessment (EIA). Ecological enhancements include the provision of 3 bird boxes, 3 bat boxes and a diverse species mix for any grassland. The Ecologist considered that these factors alone are unlikely to deliver a net gain given the loss of mature hedgerow for access and the loss of grassland under the footprint of the building. However, gain could be provided by including mixed native hedgerows along the site boundaries. Had the application been approved, a condition for an Environmental Design Strategy was requested by the Council's Ecologist.

Whilst the site falls within the Brecks, Wash, and Norfolk Coast Zone of Influences, it is not within close proximity to these zones and therefore a bespoke appropriate assessment is not required. The development proposes a net of three dwellinghouses. As such a mitigation fee of £315.58 per dwelling (from 1 April 2026) would be required to be paid to offset recreational impacts to Zones of Influence (Zols) (a total of £946.74). No payment has been made to offset the recreational impacts to these zones.

Climate Change:

All development shall recognise and contribute to the importance of, and future proofing against, the challenges of climate change and to support the transition towards meeting the Government target of becoming a net zero economy by 2050 as outlined in Policy LP06 of the Local Plan. The development could be made sustainable with the provision of a footpath which would offer a sustainable means of connection for future occupiers and surrounding neighbours back to the village to access services and facilities in a more sustainable manner.

CONCLUSION

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

The proposal is located outside of the development boundary of Tilney St Lawrence and contrary to the Council's strategic strategy with regard to the provision of windfall residential development in tier 4 settlements being in with adjoining the development boundary. Some weight is afforded to the self-build and custom nature of the development when considering the planning balance as the Council does not have an adequate supply of self-build and custom housing. There could also be some benefit associated with the addition of a footpath along this road frontage linking the land to the defined village.

Notwithstanding this, the adverse impact of the proposal when considering the impact upon the character and appearance of the countryside and erosion of a significant gap between pockets of housing, is considered to outweigh the positive contribution that the granting of three self-build and custom dwellings and a footpath along Church Road. Significantly, the proposal also fails the Sequential Test with regards to Flood Risk. The granting of the proposal is considered to cause significant and demonstrable harm and should therefore be refused in accordance with the development plan.

It is therefore recommended the Members refuse the application under Local Plan policies LP01, LP02, LP06, LP13, LP18, LP19, LP21 and LP31 and provisions of the NPPF.

RECOMMENDATION:

REFUSE for the following reason(s):

- 1 Policy LP02 of the Local Plan 2021-2040 supports residential windfall development subject to meeting the criteria. Tilney St Lawrence is a Tier 4 settlement. The site lies well outside the defined development boundary of Tilney St Lawrence and therefore does not adjoin the development boundary. Moreover, the proposed development would result in the consolidation of, and erosion of a significant gap between the currently sporadic rural housing along Church Road.

Notwithstanding the Council's current lack of deliverable Custom & Self-Build housing sites, the adverse impacts upon the character of the surrounding area would significantly and demonstrably outweigh the benefits of three additional homes in the borough. The proposal is therefore contrary to the provisions of the NPPF and Policies LP01, LP02, LP06, LP13, LP18, LP19, LP21 and LP31 of the Local Plan (2021-2040).

- 2 The site is located in Flood Zone 3a and a Tidal Hazard mapping area as identified by the Council adopted Strategic Flood Risk Assessment (SFRA) 2018 and Environment Agency's updated flood map. There are other available sites in Tilney St Lawrence for a similar quantum of housing in an area of lower flood risk. The proposal would therefore fail the sequential test and would not meet paragraph 173 - 177 of the NPPF and policies LP06, LP18 and LP25 of the Local Plan 2021-2040.
- 3 The application is accompanied by a shadow Habitat Regulations Assessment which has been adopted by the Council. This indicates that there is a potential for effects on protected Habitats Sites from cumulative recreational pressures from new housing development in the borough. However, this can be mitigated by a GIRAMS payment (currently £315.58 per dwelling). The quantum of development is defined but there is no mechanism in place to secure this GIRAMS payment, so the proposal fails to accord with Policies LP19 & LP23 of the Local Plan.



Appeal Decision

Site visit made on 6 January 2026

by **R Gee BA (Hons) Dip TP PGCert UD MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 30 January 2026

Appeal Ref: APP/V2635/W/25/3375160

Land opposite Fair Field, School Road, St John's Fen End PE14 7SG

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant outline planning permission.
 - The appeal is made by Mr and Mrs Fitzpatrick against the decision of King's Lynn and West Norfolk Borough Council.
 - The application Ref is 25/00400/O.
 - The development proposed is self-build plots.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The application is in outline form with all matters except for access reserved. A plan has been submitted which indicates how 5no. residential dwellings could be accommodated on the site.
3. As part of the appeal submission the appellant submitted revised indicative site layout plans¹. The Procedural Guide: Planning Appeals – England² advises that the appeal process should not be used to evolve a scheme, and that it is important that what is considered by the Inspector at appeal is essentially the same scheme that was considered by the local planning authority and by interested parties at the application stage. Notwithstanding that, in deciding whether to accept the revised plans I have had regard to the judgment of the High Court in *Holborn Studios*² (which refined the long-standing and well-understood “Wheatcroft principle”³), and whether any prejudice would occur.
4. In this case, although the changes are an attempt to address some parts of the reasons for refusal, given the plans are for indicative purposes only, in my view acceptance of the plans would neither alter the fundamental nature of the scheme nor introduce changes on which considerations of “natural justice” might suggest it necessary to fully re-consult interested parties.
5. I have therefore taken the layout of development shown in the submitted site plans into account as indicative only in relation to my consideration of the principle of the development on the appeal site.

¹Appendix 5 - PP1001 and PP1002

²*Holborn Studios Ltd v The Council of the London Borough of Hackney* [2017] EWHC 2823 (Admin)

³ *Bernard Wheatcroft Ltd v SSE* [JPL 1982 P37]

Main Issues

6. The main issues are:
- i) whether the site is an appropriate location for housing, having regard to the spatial strategy of the development plan and character and appearance;
 - ii) whether a satisfactory access can be achieved; and
 - iii) whether the scheme is acceptable in respect of flood risk.

Reasons

Location

7. Policy LP01 of the Kings Lynn and West Norfolk Local Plan 2021-2024 (LP) sets out a spatial strategy and settlement hierarchy, which focuses the majority of development towards the settlements of Kings Lynn, Downham Market, Huntstanton and at the edge of Wisbech. This is to continue to support their roles as established large settlements reflecting their infrastructure to support growth.
8. The LP identifies a 6-tier settlement hierarchy, with Tier 1 being the most sustainable and at the bottom of the hierarchy, at Tier 6, are smaller villages and hamlets. Terrington St John is identified as a Tier 4 settlement (key rural service centres).
9. It is not disputed between the parties that the site lies outside of the Terrington St John development boundary, as defined by Policy 1: Village Development Boundary of the Terrington St John Neighbourhood Plan (NP). Whilst the site is not isolated⁴, its position outside of the settlement boundary brings the scheme into conflict with the Council's spatial strategy.
10. Policy LP02 of the LP supports the development of windfall sites for new residential development outside of, but adjoining development boundaries, where it meets a number of criteria. Amongst other things, this includes where it respects or enhances the character of the adjoining settlement and countryside and can be readily assimilated into the existing fabric of the adjoining built up area.
11. The settlement of Terrington St John is characterised by a nucleus of development to the north around the junction of School Road with Main Road and with linear development along School Road to the south. The western side of School Road comprises closely spaced dwellings, which are encompassed by the settlement boundary. This contrasts with the eastern side of the road which is characterised by fields and small clusters of sporadically spaced dwellings set in deep and wide plots.
12. The appeal site comprises a largely rectangular parcel of land located on the eastern side of School Road, set down from the highway. The appeal site is largely open in character and is an area of separation that creates a break between built development. The land is divided into paddocks by post and rail fencing. It is relatively flat and open, with the exception of some lightweight structures. A mature hedgerow lies along the site frontage, contributing positively to the site's verdant appearance.

⁴ Braintree DC v SSCLG, Greyread Ltd & Granville Developments Ltd [2018] EWCA Civ 610

13. The appellant advances that the proposal would be a form of infill development, noting residential properties either side of the site. To the north of the appeal site lies a single storey property, known as Peace Wood, set within a substantial plot that includes various outbuildings and structures. To the south is No 1 Gambles Terrace (No1), a two-storey property, which has an extensive front and side landscaped garden which places the dwelling some distance from the shared boundary with the appeal site.
14. Although not one of the exceptions listed in Policy LP02 of the LP, whether the proposal would comprise infill development is a question of planning judgement based on an assessment of the site and its surroundings. I consider that infill development is normally associated with the completion of an otherwise substantially built-up frontage. Whilst it is not disputed that the appeal site is flanked by built form, the appeal site comprises a wide, open gap between the two properties, interspersed with areas of mature vegetation. There are notable gaps between properties located on the eastern side of School Road and consequently, the proposal would not consolidate an otherwise substantially built-up frontage.
15. The appellant has submitted revised indicative plans⁵ to provide a series of alternative schemes in demonstrating how the dwellings could be laid out across the site to reflect a looser and less regular arrangement of development. The appellant has indicated a willingness to accept a condition which commits the layout of the site to one of these revised plans. However, layout is reserved for subsequent approval and, therefore, not within the scope of matters to be determined at this application stage.
16. Even if the layout of development were to reflect a looser form of development, the introduction of built form would reduce the gap that exists between Peace Wood and No 1 and the sense of openness which positively contributes to the rural character and appearance of the area. Irrespective of the height, mass or external appearance of the proposed dwellings, development of the site would result in a suburban appearance that would be at odds with the loose pattern of development along the eastern side of School Road. This could not be resolved at reserved matters stage as it goes to the heart of this main issue.
17. Furthermore, whilst recognising that the layout plans are indicative in respect of layout, access is not a reserved matter and is therefore of relevance to this appeal. Three vehicular accesses are sought from School Road. This would inevitably result in the removal of sections of hedgerow which would diminish the verdant character and appearance of the site. Whilst landscaping could be secured at the reserved matters stage, to help soften the visual appearance of the development, protect residential amenity of future occupiers and provide ecological benefits, I am not satisfied that landscaping would overcome the harms identified.
18. The appellant refers to a recent development of 5no dwellings on the north of the appeal site. Although proximate to the appeal site the context of this site differs from the appeal before me as this lies on the western side of School Road where the built form is consolidated. Accordingly, the presence of this development does not lead me to a different conclusion on this appeal.
19. For the reasons stated above, I conclude that the proposal would be materially harmful in terms of character and appearance and therefore would not be suitably

⁵ PP1001 and PP1002, Appendix 5

located having regard to the spatial strategy of the development plan. Conflict therefore arises with Policies LP02 and LP21 of the LP and Policy 1 of the NP, as outlined above.

Access

20. A substantial ditch is present to the front of the site which has trees and bushes growing in and over it. In response to the Council's reason for refusal Land Registry details submitted indicates that the ditch lies within the ownership of the appellant.
21. The evidence indicates that the land required for the visibility splays is largely within the ownership of the appellant. Any deficit in respect of the access to serve Plot 1 would be marginal, and any shortfall would not be severe in terms of highway safety. Accordingly, I am satisfied, should I be minded to allow the appeal, that a planning condition could be imposed to secure the provision of visibility splays.
22. Subject to the imposition of a planning condition the proposal would secure an appropriate access to ensure compliance with Policies LP13 and LP21 of the LP insofar as these require the provision of a safe and convenient access for all.

Flood risk

23. It is not disputed between the parties that the appeal site lies within Flood Zone 3, as identified in the Strategic Flood Risk Assessment 2018 (SFRA) and a tidal hazard area, which could flood should the tidal defences be breached.
24. The SFRA seeks to guide planned growth and future developments away from areas of high flood risk, including the coastal area. The National Planning Policy Framework (the Framework), with supporting Planning Practice Guide (PPG) provides Government policy in respect of planning and flood risk, whereby inappropriate development in areas at risk of flooding should be avoided by directing development away from places at highest risk. This includes, where necessary, the applying of the sequential and exception tests to steer new development to areas with the lowest probability of flooding.
25. Based on the site-specific Flood Risk Assessment, the development meets part b) of the Exception Test, as the evidence indicates that development would be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and reducing flood risk overall. However, part a) must also be satisfied. This requires the development to provide wider sustainability benefits to the community that outweigh the flood risk.
26. Although not an exhaustive list, the PPG⁶ identifies that such benefits could include the re-use of suitable brownfield land as part of a local regeneration scheme, an overall reduction in flood risk to the wider community through flood risk management infrastructure, or the provision of multifunctional sustainable drainage systems. The implication of these examples is that they would positively impact a substantial number of people or make a substantial environmental difference. Accordingly, these examples do not apply to the appeal site.
27. Having regard to the conflict with the spatial strategy and the significant harm to the rural landscape it is not considered that the proposal would provide sustainability

⁶ Paragraph: 036 Reference ID: 7-036-20220825

benefits which would outweigh the flood risk. Therefore, part a) of the Exception Test is not met.

28. Concluding on this matter, the development is at risk of flooding, and this is not outweighed by any wider sustainability benefits to the community. This draws the proposal into conflict with Policies LP18 and LP25 of the LP and paragraph 179 of the Framework insofar as it seeks to steer new development away from areas as the highest risk of flooding.

Other Matters

29. The proposal would make a positive contribution to the borough's housing land supply, to which I give moderate weight. The development would make an effective use of land, for which the Framework provides general policy support of small and medium sites such as this.
30. The appellant indicates that the development would create low carbon energy efficient dwellings with the suggestion of agreement to a condition relating to an Energy Performance Certificate (EPC) rating of A or B. Whilst the aspiration to create low carbon dwellings is welcomed the proposal is at outline stage, and it would not be reasonable to impose such a condition at this stage, which, in any event, would be covered by other regimes. Nevertheless, considering the emphasis of the Framework on using natural resources prudently, minimising waste and pollution, and moving to a low carbon economy, it is not unusual for new dwellings to be designed to high environmental standards.
31. The appellant advances that the proposal would help sustain existing services, in compliance with Policies CS10 and CS13 of the Core Strategy, which seek to protect and enhance economic and community facilities. The development would give rise to some economic benefits during the construction phase and provide limited support to local services through additional consumer spending. Whilst these elements weigh in favour of the proposal, the benefits would be tempered due to the scale of the proposed development.
32. The appellant indicates the provision of a footpath extension and a traffic island, to help reduce speed in this location, reflecting the aspiration of the NP to reduce speed through the village. Whilst an extension to the footway would provide some public benefit in respect of the proposed traffic island limited information is before me. Nevertheless, this would be on third party land, and no mechanism is before me to secure such provision.
33. The proposal is presented as a self-build/custom build (SBCB) scheme. The appellant has drawn my attention to the Council's self-build action plan which refers to introducing a new policy which allows for small-scale development to take place outside of development boundaries. The Council acknowledge that it is currently unable to fulfil its duty to demonstrate a sufficient supply of SBCB housing in the Borough. The provision of SBCB dwellings therefore would be of benefit, weighing in favour of the scheme.
34. A legal agreement, under the provisions of S106 of the Town & Country Planning Act 1990, is likely to be the most appropriate method of ensuring that the development is self or custom build rather than market housing. Nevertheless, a condition has been suggested by the appellant, with my attention drawn to an

appeal decision⁷. Whilst noting that the Council do not contest the suggested condition I do not agree with that approach. Having regard to the PPG I am not satisfied that it is a satisfactory mechanism to adequately enforce as such. Consequently, I attribute very limited weight to the proposal as a SBCB. However, even if I had been satisfied that the SBCB requirement was adequately secured, given the scale of the proposal the benefits would be modest.

35. Having regard to the benefits advanced by the appellant I do not consider them to be of individual, or cumulative, benefit to represent wider sustainability benefits to outweigh the conflict in respect of flood risk.
36. My attention has been drawn to 4no self-build plots at a site within nearby Tinley St Lawrence⁸ with the appellant asserting that the same policy considerations of Policy LP02 apply and a planning balance in favour of the self-build. From the evidence before me, whilst there may be some similarities, unlike the appeal scheme, the proposal was considered to assimilate well into a cluster of existing houses. Furthermore, the information before me indicates that the site was in a different village and in area of lower flood risk than the appeal site before me. As such the site context differs substantially. In any event, I have determined the appeal on its own merits.
37. The appeal site falls within the zone of influence of a number of designated European habitat sites. The evidence indicates that, without mitigation, there could be potential significant effects on these sites from additional recreational pressure. Given my other concerns with the scheme and that this matter is not in dispute, I do not consider this further. Had I been minded to allow the appeal, further representations would have been required on this matter.

Planning Balance and Conclusion

38. Section 38(6) of the Planning and Compulsory Purchase Act 2004 says development should be in accordance with the development plan 'unless material considerations indicate otherwise', and this is reaffirmed in the Framework.
39. There is no dispute that the Council cannot demonstrate a sufficient supply of deliverable housing. Paragraph 11 d) of the Framework indicates that, where the requisite housing land supply cannot be demonstrated, permission should be granted unless the application of policies in the Framework that protect areas or assets of particular importance provides a strong reason for refusing the development proposed. In accordance with footnote 7 of the Framework, as I have found the scheme would be at risk of flooding, it is the case that the policies in of the Framework provide a strong reason for dismissing the appeal. As such, the proposal does not benefit from the presumption in favour of sustainable development.
40. I have concluded above that the proposal conflicts with the development plan, when taken as a whole. Other considerations do not indicate that permission should be granted contrary to the development plan. Therefore, the appeal is dismissed, and planning permission is refused.

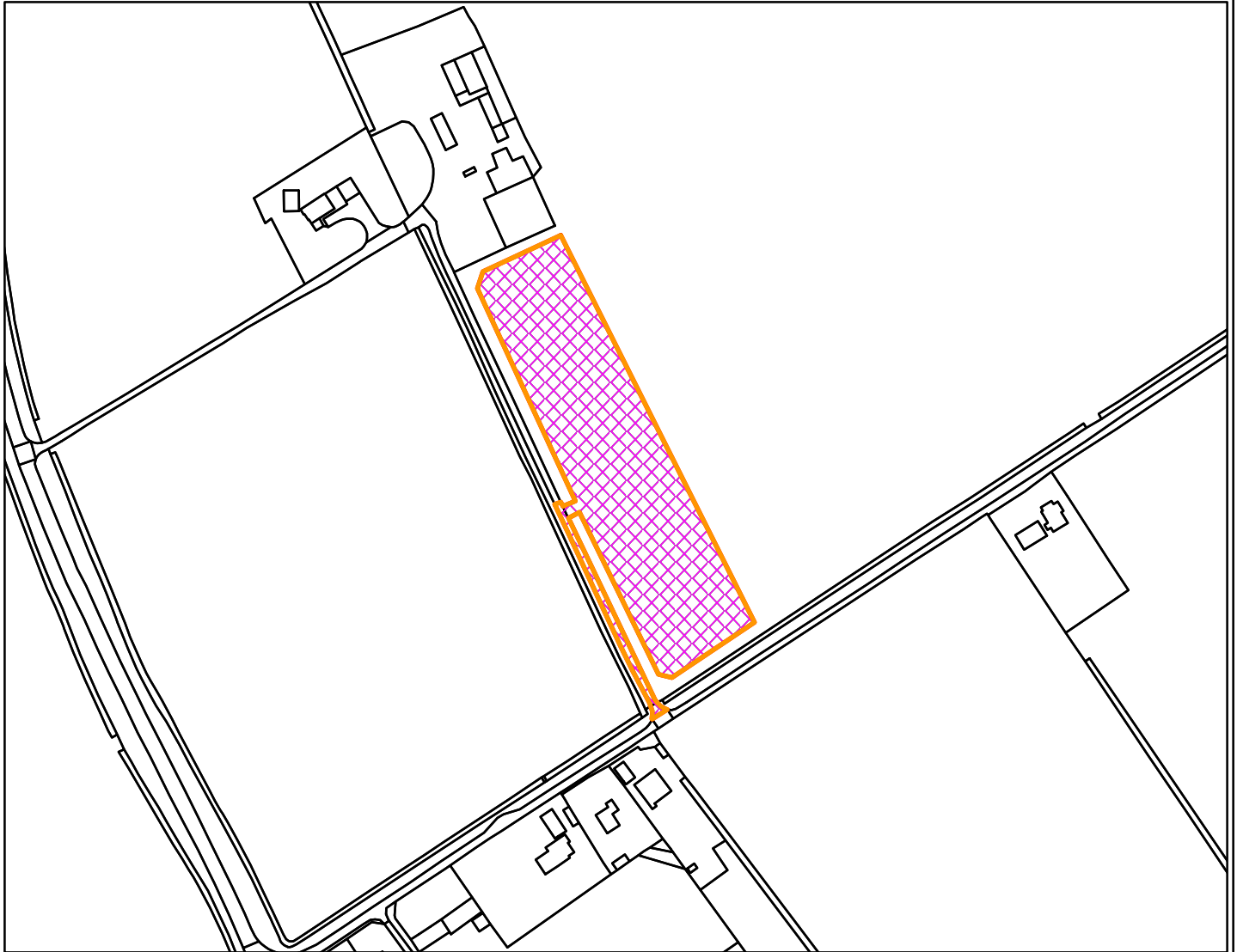
R. Gee INSPECTOR

⁷ APP/F2415/W/22/3303898

⁸ 25/00276/O

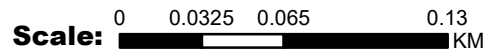


Land North of Horsehead Drove Three Holes PE14 9JJ



Legend

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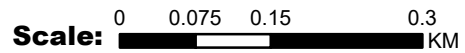
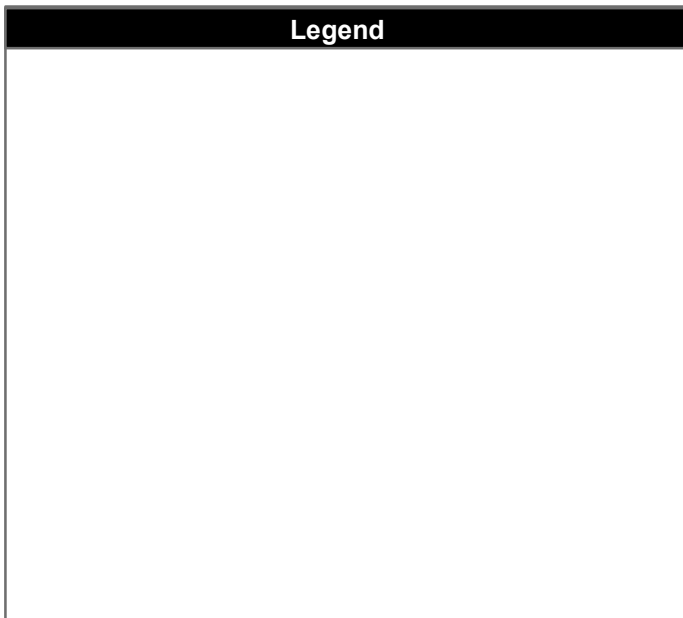
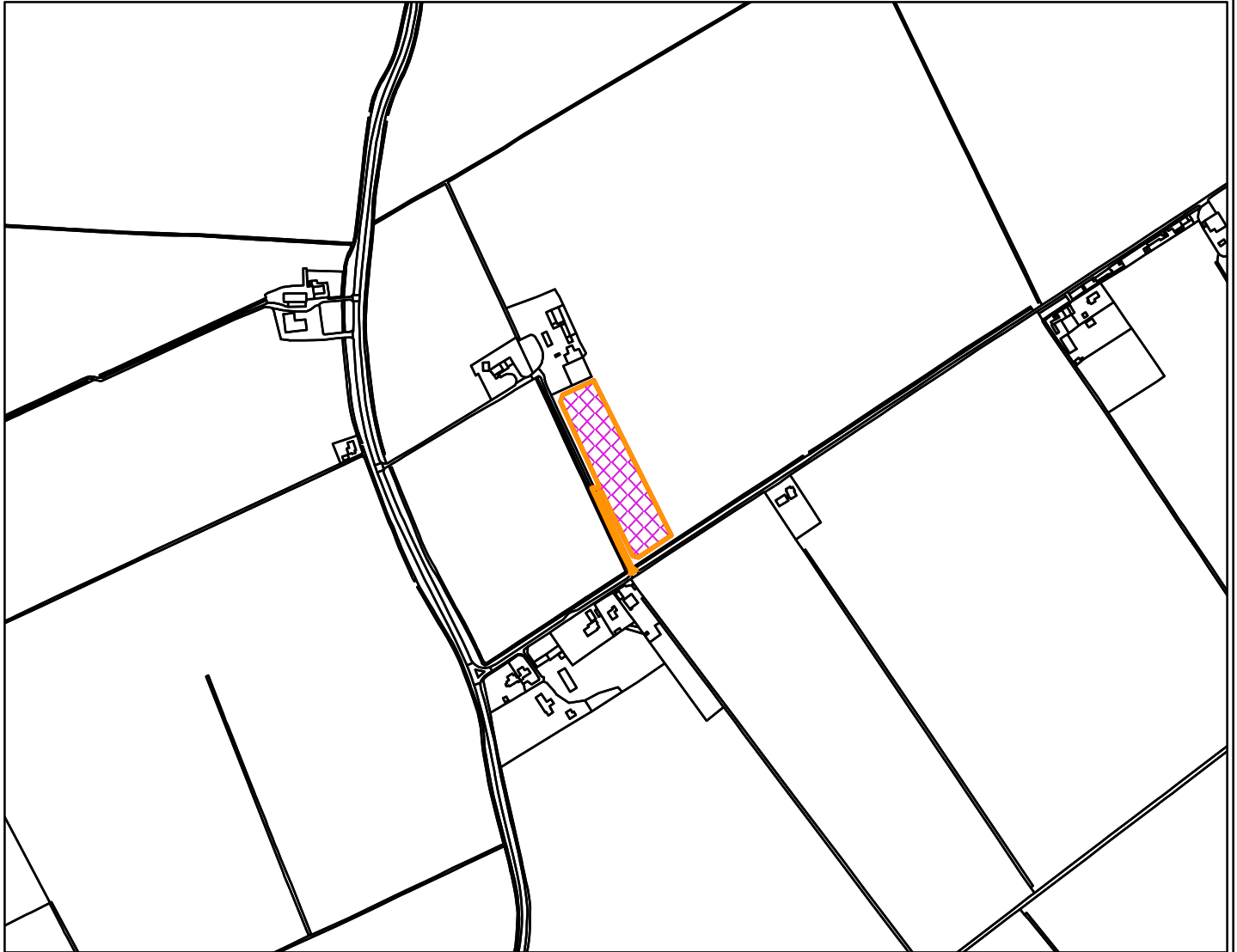


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Ordnance Survey AC0000819234

Organisation	BCKLWN
Department	Department
Comments	Not Set
Date	29/04/2026
MSA Number	0100024314



Land North of Horsehead Drove Three Holes PE14 9JJ



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Ordnance Survey AC0000819234

Organisation	BCKLWN
Department	Department
Comments	Not Set
Date	29/04/2026
MSA Number	0100024314

AGENDA ITEM NO 9/1(e)

Parish:	Upwell	
Proposal:	Change of Use from Agricultural Land to a Dog Walking Field and associated car parking, access, storage container, lighting, mobile field shelter, fencing and landscaping.	
Location:	Land North of Horsehead Drove Three Holes Norfolk PE14 9JJ	
Applicant:	C/o Ceres Property	
Case No:	26/00275/F (Full Application)	
Case Officer:	Tom Ellis-Daish	Date for Determination: 16 April 2026 Extension of Time Expiry Date: 15 May 2026

Reason for Referral to Planning Committee – Call in by Cllr Spikings.

Neighbourhood Plan: No

Case Summary

Permission is sought for a change of use from agricultural land to a Dog walking field and associated car parking, access, storage container, lighting, mobile field shelter, fencing and landscaping.

Key Issues

- Principle of development, Sustainability, Consistency of Approach and the Use of Agricultural Land
- Form and Character
- Impact on Neighbour Amenity
- Transportation and Highway Safety
- Ecology
- Community Benefits and the Rural Economy
- Any Other Material Considerations

Recommendation

REFUSE

THE APPLICATION

Permission is sought for a change of use from agricultural land to a dog walking field and associated car parking, access, storage container, lighting, mobile field shelter, fencing and landscaping.

The site is located along Horsehead Drove, Three Holes and currently comprises an agricultural field. The surrounding area is largely agricultural, with the exception of a small number of dwellings.

APPLICANT/AGENT SUPPORTING CASE

No supporting statement has been received at the time of writing this report, although a planning statement was received with the application.

PLANNING HISTORY

25/01542/F: Application Withdrawn: 09/12/25 - Change of Use from Agricultural Land to a Dog Walking Field and associated car parking, access, storage container, lighting, mobile field shelter, fencing and landscaping.

RESPONSE TO CONSULTATION

Parish Council: Supports.

- The popularity is growing for this type of amenity, and diversity of this type of enterprise should be welcomed,
- The applicant has confirmed that they would be responsible for emptying dog waste bins and that the lighting would be for winter “after work” times access of 4pm to 7pm, which can be conditioned if necessary.
- There is minimal impact on neighbouring properties.

Local Highway Authority: No objection subject to condition:

- Horsehead Drove is narrow with restricted passing opportunities, however, it is observed from the planning statement that “It is anticipated that numbers using the site will be limited to one or two users at any point in time. The need to book specific time slots will also mean that visitor arrivals and departures will be spread over the day, having negligible impact at peak times.”
- Given the locality of the site, it is anticipated that traffic levels would be generally low, and are mindful that Horsehead Drove experiences existing low traffic levels,
- On balance, although not ideal given the narrow carriageway, we do not oppose the principle of the application. However, this would be on the basis that the booking system is conditioned to limit the chances of two vehicles meeting,
- Also request a condition requiring that the access and parking be laid out in accordance with the approved plan and retained prior to the first use of the development.

Natural England:

Make reference to their comments on withdrawn application 25/01542/F- No objection.

Ecology Officer:

- Notes that the site walkover and photograph provided in the Small Sites Metric are out of date and should be updated. Once undertaken, would have no issue with Biodiversity Net Gain, (This has since been updated).
- The lighting proposed is likely to have high luminance and wildlife friendly lighting would be more appropriate in this location given the rural nature and potential for light spill some distance into the wider landscape and potential to effect nocturnal species such as badgers and bats using the adjacent drain as a commuting feature. Advise the applicant to review the Bat Conservation Trust Lighting Guidance. State lighting could be resolved at determination, or a condition could be attached to any notice requiring a scheme to come in for approval prior to commencement. (Since providing these comments, additional information has been provided in relation to lighting to which the Ecology Officer raises no objection).
- If the above issues are resolved, recommend informatives and conditions relating to Biodiversity Net Gain, Biodiversity Net Gain Plan, Habitat Mitigation and Monitoring Plan and Light Condition 02.

Community Safety and Neighbourhood Nuisance Officer: No objection subject to the imposition of conditions and informatives.

- There has been an increase in applications for these facilities in recent years but are yet to see the long-term impact of these in terms of nuisance complaints after consent is granted and have a lack of data to base decisions on. As such, the applicant should be aware that regardless of conditions attached to any consent, the CSNN Team could receive complaints and investigate in accordance with the Environmental Protection Act 1990, which may result in action requiring changes to abate nuisance.
- There will be a maximum permitted vehicles and dogs, and all booking must comply with these. Therefore, it is unlikely that the proposed group activities will be able to take place unless vehicles are shared.
- There is a need for a robust management plan to mitigate any potential adverse impact on nearby residents. Further details of this are given within the CSNN Officer's full comments.
- Suggest that the operating hours be conditioned to: From the 1st April to 31st August in any calendar year, on Monday to Sunday between 0700hrs to 2100 hours and from the 1st September to the 31st March in any calendar year, on Monday to Sunday between 0700 to 1900hrs.
- Suggest a condition relating to lighting details and limiting its use to only between the 1st September and 31st March between the hours of 1600 and 1900.
- Suggest a condition limiting the number of vehicles on site to two and the number of dogs to 5.
- Suggest a condition relating to waste.
- Suggest an informative relating to the Environmental Protection Act 1990.

REPRESENTATIONS

EIGHTEEN letters of support and **ONE** letter of **OBJECTION** have been received at the time of writing this report.

The letters of **SUPPORT** are summarised as follows:

- Will be well used and there is demand for such a facility,
- Despite living in the country, places to walk dogs are not that available for owners wanting to walk, train or socialise their dogs,
- Footpaths are unsafe to walk with pets due to the amount of traffic and lack of greenspaces in the villages, along with village halls prohibiting dog walking this will be a huge contributor to dog owners,
- This would be closer than other dog parks,
- Supported by the public,
- Would also support exercise and wellbeing for local residents in a safe environment,
- Such facilities provide secure, private and fences for dogs to run off-lead, providing peace of mind for owners of reactive, nervous or high-prey-drive pets whilst keeping wildlife disturbance to a minimum.

The letter of **OBJECTION** is summarised as follows:

- The proposal is a resubmission which fails to overcome concerns previously identified.
- Objector's property has three front-facing bedrooms that directly overlook the proposed field and access.
- Compares the proposed opening hours with other sites referenced within the planning statement, which have shorter opening hours despite being located in more remote locations with no residential dwellings in close proximity.
- Concern over noise and opening hours which would be contrary to LP21 and ET2, and which is likely to be constitute a statutory nuisance under the Environmental Protection Act 1990.
- Concern over floodlighting and vehicle headlights.
- The application does not include an acoustic assessment and fails to recognise the significance of noise in an area where ambient noise levels are exceptionally low.
- The application relies on assertions about dog behaviour and operator management that are unenforceable and unverifiable.
- Group bookings would have an even greater effect on amenity and no details have been given about these.
- Concern over impact of lighting on rural landscape.
- Concern over highway impacts and lack of passing places. Reliance on a booking system is unreliable, as vehicles would not arrive/depart exactly at their scheduled times. Additionally, delivery vehicles and the proposed overflow parking create circumstances where multiple vehicles will meet. The proposal is therefore contrary to Policies LP14 and ET2.
- The 17km of catchment of the proposal contradicts the characterisation of the proposal as creating minimal traffic, as it encompasses many thousands of dog owners.
- Concern over impacts on Red List ground nesting birds (skylarks) and their habitat.
- No Ecological Survey has been provided and impacts on protected species have not been assessed.

- The proposal is contradictory to LP19 as it does not protect or enhance biodiversity or the national biodiversity goals in Environment Act 2021. The absence of a species specific ecological assessment prevents the LPA from discharging its duty under the Natural Environment and Rural Communities Act 2006.
- Misapplication of references to GIRAMS should be afforded no weight.
- The 17km catchment would draw users by car, which redistributes recreational activity whilst generating additional car movements.
- No HRA screening assessment has been provided and the impact of the proposal on European Protected Sites has not been assessed.
- The proposal would significantly urbanise the character of the agricultural field and rural landscape, contrary to Policies LP18 and LP21 of the Local Plan.
- The application site is Grade 1 Agricultural Land (the highest quality and most productive). The proposal is therefore contrary to EN2.

The Planning Statement also states that public engagement was undertaken via Facebook. However, these responses were not directly to this planning application.

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

LP06 - Climate Change (Strategic Policy)

LP07 - The Economy (Strategic Policy)

LP13 - Transportation (Strategic Policy)

LP18 - Design & Sustainable Development (Strategic Policy)

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

LP21 - Environment, Design and Amenity (Strategic Policy)

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

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

LP38 - Community and Culture (Strategic Policy)

LP39 - Community Facilities

NEIGHBOURHOOD PLAN POLICIES

Economy and Tourism Policy ET2: Economic Development
Environment and Nature Policy EN1: Flood Risk and Prevention

NATIONAL GUIDANCE

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

OTHER GUIDANCE

PLANNING CONSIDERATIONS

The main considerations are:

- Principle of development, Sustainability, Consistency of Approach and the Use of Agricultural Land
- Form and Character
- Impact on Neighbour Amenity
- Highway Safety and Impacts on the Road Network
- Flood risk
- Ecology
- Community Benefits and the Rural Economy
- Any Other Material Considerations

Principle of Development, Sustainability, Consistency of Approach and the Use of Agricultural Land:

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 the Local Plan (2021-2040) and the Upwell Neighbourhood Plan (2015-2036).

Sustainability: The proposed development is located outside of any development boundary, being approx. 1.17km from Lakes End (Tier 6 Smaller Village), 2.7km from Three Holes (Tier 5 Rural Village) and 2.8km from Upwell and Outwell (Tier 4 Key Rural Service Centre).

The principle of the diversification and development of agricultural businesses is supported by Policy LP07 of the Local Plan, subject to compliance with the criteria given within section 8 of that policy. Of relevance to the principle of the application in this case is criteria b, which states that the development should be adjacent to the settlement. The proposal is not adjacent to the settlement, and the proposal is therefore contrary in principle to LP07. Policy LP07 goes on to state that the LPA will support proposals for alternative uses of employment land where it can be demonstrated that the use of the site for employment purposes the proposal would not give rise to unacceptable accessibility problems, particularly for sustainable modes of transport.

The principle of the proposal is further contrary to Policies LP06, LP13, LP18 and LP21 of the Local Plan due to its unsustainable location, attracting visitors to an area of countryside not served by public transport and which would, in most cases, require the use of private motor vehicles.

Consistency of Approach:

Whilst every application must be taken on its own merits, a consistent approach should be applied to development of this type. The Planning Statement accompanying this application makes reference to application 25/00526/FM, which was for a dog walking field and was located outside of development boundaries. The Planning Statement incorrectly states that

25/00526/FM was 2.17km from the development boundary for Docking. The Planning Officer measures this distance to be approx. 678m from the development boundary at the furthest point of the site, and approx. 437m at the closest point. The officer report under application 25/00526/FM describes the site as being “located just outside the peripheries of Docking”.

Of the applications for dog walking fields within the Borough, the majority have been within, adjacent to, or near to, development boundaries with few exceptions.

Use of Agricultural Land:

The site comprises Grade 1 Agricultural Land. Policy EN2 of the Upwell Neighbourhood Plan states that new development will only be permitted on Grade 1 agricultural land if:

- a) there are overriding community benefits; or
- b) There are no reasonably available sites within Upwell Parish appropriate for the proposed development on
 - i. Previously developed land;
 - ii. Land not in agricultural use; or
 - iii. Land which is not viable for commercial agricultural use.

Paragraph 187 of the NPPF states that the natural environment should be enhanced by recognising the economic and other benefits of the best and versatile agricultural land. Footnote 65 states that where significant development of agricultural land is deemed to be necessary, areas of poorer quality land should be preferred to those of a higher quality.

Policy LP19 states that the long-term capability of the best and most versatile agricultural land will be safeguarded as a resource for the future.

Given the map provided in Figure 5 of the Upwell Neighbourhood Plan shows that almost the entire Parish area comprises Grade 1 land, with the exception of a small area to the Southwest of the Parish, it is not reasonable to expect that the development could be located other than on Grade 1 Agricultural Land.

Given the proposed use would not permanently seal the land, or be likely to cause significant damage to it, it is considered that the land could reasonably be restored to an agricultural use with relative ease if the proposal were to be carried out, and therefore a refusal on this ground could not likely be sustained. The principle of the application in relation to the use of agricultural land is therefore acceptable in accordance with Policy LP19 of the Local Plan and Policy EN2 of the Upwell Neighbourhood Plan.

Form and Character:

The most prominent built aspect of the proposal in relation to form and character would be the 1.8m high wire mesh tornado fencing, example photographs of which have been provided on the Proposed Enclosure Plan P2523-P20-P03 C. Small sections of 1.2m high post and rail fencing would also be present at the North Eastern and South Eastern corners of the site.

Whilst fencing of this height would generally be permitted development, in this instance it facilitates the change of use of the land and therefore can be considered. It is considered that the fence is of an appearance associated with other agricultural uses, such as the keeping of deer, and although more commercial in appearance than the existing open boundary is therefore not out of character with this rural location.

The mobile field shelter is not considered to be development in accordance with the Town and Country Planning Act 1990, given it is mobile. It therefore cannot be considered under

this application, although it is noted that in the example photographs provided with the planning statement give the appearance of a structure not dissimilar from a store, bird watching or shooting station often seen in fields.

No claim that the proposed container would be mobile or moved has been made. The container can therefore be considered development and require permission. The container would have approximate dimensions of 2.6m in height, 2.5m in width and 9m in depth. The proposed container would appear of a similar appearance to containers sometimes seen in other agricultural fields and is not uncharacteristic of an agricultural use. The container is therefore considered acceptable.

The car parking area would be accessed by an existing track to a farmyard, with an entrance to the parking area being made approx. 98m from Horsehead Drove. The access would consist of a hardstanding area, finished in compacted road planings, with vehicular access gates into two separate dog unloading areas, from which further gates would allow access to the field. Another gate is also proposed connecting the two separate dog walking areas. The parking area is not considered to adversely impact the character of the area or wider countryside. A perimeter track would also be present but would not adversely impact the character of the field or site.

The lighting poles would be approx. 6m in height, with a diameter of approx. 0.15m and would include two lighting elements at the top, protruding approx. 0.4m each. It is not unusual for farmyards to be illuminated by floodlights mounted on poles such as this, although generally these would be located within/around a farmyard rather than within a field itself.

On balance, it is not considered that the physical form of the three floodlights proposed would have a detrimental impact on the character and appearance of the area, given their distance from Horsehead Drove (approx. 127m at the nearest pole) and the semi-commercial appearance to the site that would result from the Tornado Fencing.

The proposal is therefore considered to accord with the requirements of Policies LP18, LP19 and LP21 of the Local Plan.

Impact on Neighbour Amenity:

The application site would be divided into two main dog walking areas, with a linking gate in-between. The southernmost area would be approx. 32m from the nearest dwelling along Horsehead Drove, with the northernmost area being approx. 126m away.

The Planning Statement states that "it is anticipated that numbers using the site will be limited to one or two users at any point in time". The planning statement also refers to group bookings, but states that these are not likely to be on a regular basis. No limit on the number of dogs is suggested.

The application seeks opening hours of 0700-1900 every day during the winter, and hours of 0700-2100 every day in summer months (April to August). The visitor numbers and booking slots would be controlled by an "air lock" gate and booking system arrangement. The CSNN Officer does not oppose these opening hours.

No data has been supplied in relation to the anticipated noise levels. The planning statement accepts that this is a relatively quiet area but notes background noise from the main road (the A1101 is approx. 0.2km west of the site and B1094 is approx. 0.9km north of the site), general noise associated with farm activity and wildlife/animals.

It is not considered that a noise assessment is required in this instance, and it is further noted that the CSNN team have not suggested one be undertaken. The Planning Statement further asserts that it would not be proportionate to require a noise assessment or that it would provide any substantive additional information, other than the existing background noise level.

The CSNN Officer suggests a limit of two motor vehicles and a maximum of five dogs be permitted on site at any one time.

It must be acknowledged that domestic animals could also make noise in dwellings, although likely less frequently than dogs visiting a walking field where they would be playing and training, which can involve shouting barking and whistling.

Policy LP21 of the Local Plan states that proposals which would have an adverse impact on neighbour amenity should be refused and Policy ET2 of the Upwell Neighbourhood Plan states that economic development should demonstrate that the proposal should not have an unacceptable impact on neighbour amenity.

Light spillage from floodlighting has the potential to adversely impact neighbour amenity. The nearest of the proposed lighting is located approx. 150m from the nearest dwelling. Specification sheets and a lighting schedule have been provided. The lighting schedule and planning statement state that the lighting would be fitted and angled to minimise light spill. It is considered that given the distance to neighbouring dwellings, it is feasible that the angle of the lighting (even at a height of 6m) could be adjusted in such a way that amenity impacts are not adverse.

The additional traffic movements generated by the proposal would pose some impact on neighbour amenity, however given the proposed hours of operation and if the number of users to the field were to be limited by condition, the impact of this would not be considered detrimental to such an extent as to warrant a refusal of the application.

Transportation and Highway Safety:

As covered within the **Principle of Development** section of this report, the location of the proposal is considered unsustainable and would result in car journeys into a rural location. Whilst the planning statement states that the catchment area of the proposal would be 14km, if the proposal were located closer to development boundaries, with larger settlements being preferable, the quantity and duration of at least some car journeys could be reduced.

A total of four parking spaces would be provided, with two of those being overflow spaces for customers who arrive early and need to wait to enter the facility.

The planning statement suggests group bookings are a possibility, however this would likely lead to the overflow parking being utilised for the group, and the contingency of the overflow spaces would then be unavailable. The roadway is unsuitable for parking in such a circumstance and therefore the possibility of group bookings is not supported.

The Local Highway Authority's response states that on balance, they are not against the proposal, subject to the imposition of conditions relating to booking systems and parking/access to the proposal.

It is acknowledged that Horsehead Drove is narrow, with extremely limited passing places, but it is not recommended that the proposal be refused on highway safety grounds.

Policy LP13 of the Local Plan states that development proposals which are likely to have significant transport implications will need to be accompanied by a transport assessment or transport statement and travel to show how car-based travel can be minimised. It is not considered that the transport implications in relation to how busy Horsehead Drove would become are significant, but the sustainability implications of the proposal are considered significant. In this location, it is not considered likely that a scheme to minimise car-based travel would be practical.

Policy ET2 of the Upwell Neighbourhood Plan states that proposals for economic development will need to demonstrate that it will not have an unacceptable adverse impact on the transport network, especially in relation to HGV use. Again, the impact is not considered adverse.

The unsustainable siting of the proposal is considered contrary to Policies LP06, LP07 and LP13 of the Local Plan.

Ecology:

The Ecology Officer initially raised some concern regarding the validity of the Biodiversity Net Gain Report, specifically the date of the site walkover and photograph. This has been updated since the Ecology Officer's original comments, to which they now raise no objection.

Neither the Ecology Officer nor Natural England have raised concern around the potential for the dogs themselves to pose detrimental impact on wildlife. However, the proposed lighting has the potential to impact protected species through light spill. Additional information relating to the proposed lighting has been provided, to which the Ecology Officer has confirmed no objection.

Given the landscape here largely consists of arable fields with drains, with a number of similar habitats available, and the limited size of the dog field, the disturbance to ground nesting birds is not considered significant.

The Norfolk General Infrastructure Recreational Impact Avoidance and Mitigation Strategy (GIRAMS) can be applied to visitor attractions on a case-by case basis, with the decision to apply it based on the application, location and links to the coast. In this instance, given the lack of evidence to support claims that the proposal would reduce visits to protected sites or coastal areas and limited scale of the application, GIRAMS should not be applied.

The planning statement asserts that the dog cooling off pond to the northern portion of the site would be fed by rainwater. As such, this would not pose water demand on the area.

No further concern has been raised by consultees.

The proposal is therefore considered to accord with the requirements of Policies LP18, LP19,

Community Benefits and The Rural Economy:

The proposal would provide direct benefits to a specific strata of the population, being dog owners. This would allow dogs to be trained, socialised and exercised in a safe environment. Policy LP39 is supportive of the introduction of community facilities. However, the community benefit provided by this is not considered sufficient to outweigh the sustainability concerns with regard to car travel.

As covered within the **Principle of Development** section of this report, Policy LP07 states that “the council will support rural economy and diversification through a rural exception approach to new development (including expansion and/or diversification of existing businesses) within the countryside”. However, this is subject to criteria which include a requirement that the proposal should be adjacent to a settlement, which the proposal is not.

Policy ET2 of the Upwell Neighbourhood Plan is supportive of new economic development and the provision of new facilities and services. Again, this is not considered to outweigh the sustainability issues associated with the location of the site.

Paragraphs 88 and 89 of the NPPF are also supportive of agricultural diversification and supporting rural economies. Whilst the NPPF includes support for development beyond development boundaries in this regard, it does not give the same level of support to sites on previously undeveloped land or that are not physically well-related to existing settlements. The planning statement makes further reference to Policies of the NPPF which are supportive of economic growth, but it is not considered that these outweigh the sustainability issue associated with the location of the site.

Any Other Material Considerations:

The site is located within Flood Zone 2/3a and elements of the site are at risk of surface water flooding. However, given the proposed use of the site, limited footprint of built form and that the car parking area and permitter track would have a porous base, it is not considered necessary to require mitigation measures in relation to flood risk and the proposal is considered to accord with the requirements of Policies LP06, LP18 and LP21 of the Local Plan and Policy EN1 of the Upwell Neighbourhood Plan.

CONCLUSION:

The proposed location of the development is considered unsustainable due to its distance from development boundaries. Therefore, the application is unacceptable in principle and should be refused, being contrary to Policies LP06, LP07, LP13, LP18 and LP21 of the Local Plan.

It is therefore recommended that the application be refused for the following reason:

RECOMMENDATION:

REFUSE for the following reason(s):

- 1 The proposal would conflict with the spatial and sustainability aims of the Development Plan through its siting, some distance from the nearest development boundaries, resulting in increased car journeys into a rural area.

The proposal is therefore contrary to Policies LP06, LP07, LP13, LP18 and LP21 of the Local Plan and Paragraph 89 of the NPPF.

Planning Committee - 11 May 2026

Previous Committee:	13/04/2026
Upcoming Committee:	11/05/2026

APPLICATIONS DETERMINED UNDER DELEGATED POWERS

PURPOSE OF REPORT

(1) To inform Members of the number of decisions issued between the production of the 13 April 2026 Planning Committee Agenda and the 11 May 2026 agenda. There were 101 total decisions issued with 99 issued under delegated powers and 2 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 27 March 2026 and 28 April 2026.

	Total	Approved	Refused	Under 8 Weeks	Under 13 Weeks	Performance %	National Target	Planning Committee Decision	
								Approved	Refused
Major	5	3	2		5	100.0%	60%	0	1
Minor	31	27	4	29		93.5%	80%	1	0
Other	65	59	6	61		93.8%	80%	0	0
Total	101	89	12	90	5			1	1

Planning Committee made 2 of the 101 decisions (2.%)

PLANNING COMMITTEE – 11 May 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 Q1 (end of March) is calculated as follows:

Planning applications determined between 01/07/2023 to 30/06/2025 plus 9 months = 31/03/2026.

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 31 March 2026

MAJOR			NON-MAJOR		
No. of Decisions Issued	No. Allowed on Appeal	% Overturned	No. of Decisions Issued	No. Allowed on Appeal	% Overturned
113	1	0.88%	2734	23	0.84%