Parish:	Brancaster	
Proposal:	Conservation project including change of use of existing aviary, new aviaries and associated dwelling for warden/conservation officer	
Location:	Marsh Farm Main Road Burnham Deepdale Norfolk PE31 8DD	
Applicant:	Mr Andrew Crean	
Case No:	23/00739/F (Full Application)	
Case Officer:	Lucy Smith	Date for Determination: 29 May 2023 Extension of Time Expiry Date: 23 November 2023

Reason for Referral to Planning Committee – Deferred at Planning Committee on November 16th 2023.

Neighbourhood Plan: Yes

Members Update:

The application was deferred from 16th November Planning Committee to enable discussions to take place with the Local Highway Authority and the Applicant in regards to the safety of the access and required visibility splays, and to clarify the justification for the new dwelling under Policy DM6.

The applicant has provided an amended plan which shows improvements to the visibility splays and access point.

The Agent has also provided an additional document outlining further justification for the proposed dwelling.

Updated sections of the report are in bold.

Case Summary

The application seeks full planning permission for the construction of a permanent bungalow and the creation of aviaries in connection with a Conservation Project at Marsh Farm, Burnham Deepdale. The application relates to a conservation project to re-introduce Ruff, a wading bird which is otherwise practically extinct in the UK. The application comprises a change of use of existing aviary and provision of new aviaries together with residential accommodation for a warden/conservation officer, which are all noted by the Agent to be integral to the project.

The site lies to the north of Main Road, Burnham Deepdale and is within the Norfolk Coast National Landscape.

The application site is bounded to the north and east by the North Norfolk Coast SSSI and the Holkham National Nature Reserve (NNRS) and Scolt Head National Nature Reserve (NNR) the north.

Key Issues

Principle of development Need for rural workers dwelling Highway Safety Form and Character Habitat Regulations Assessment Flood Risk Other material considerations

Recommendation

REFUSE

THE APPLICATION

The application seeks full planning permission for the construction of a permanent bungalow and the creation of aviaries in connection with a Conservation Project at Marsh Farm, Burnham Deepdale. The application relates to a conservation project to re-introduce Ruff, a wading bird which is otherwise practically extinct in the UK. The application comprises a change of use of existing aviary and provision of new aviaries together with residential accommodation for a warden/conservation officer, which are all noted by the Agent to be integral to the project.

The site lies to the north of Main Road, Burnham Deepdale and is within the Norfolk Coast National Landscape.

The application site is bounded to the north and east by the North Norfolk Coast SSSI and the Holkham National Nature Reserve (NNRS) and Scolt Head National Nature Reserve (NNR) the north.

The proposed bungalow is intended to be utilised to house a warden/conservation officer to provide 24-hour care and security for the welfare of birds and to facilitate ongoing scientific research.

The existing aviary on site, positioned to the south of the proposed bungalow will be utilised as a breeding aviary and incorporated into the project. A series of new aviaries are also proposed to be constructed both further south towards Main Road and release aviaries positioned to the east of the existing dwelling on site.

SUPPORTING CASE

The following supporting statement was provided by the Agent.

'Sustainability: This is not an entirely new project, commencing with landscape recovery since 2007 (a pre-cursor to other projects in the area such as Ken Hill), together with the small-scale reintroduction of wader birds ongoing alongside, this reintroduction of Ruff is

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now to be intensified, such that the project now demands a staff presence around the clock for the Ruff reintroduction. Hence the application including accommodation requirement.

With the history thus far, there is no reason to believe the project will not be sustained.

Trials are already ongoing for introduction of other species such as Black-tailed Godwit, so the on need is not going to decrease - it is long-term.

Proposed accommodation: Accommodation is for one permanent full-time member of staff (warden), together with occasional visiting staff including specialist researchers. Hence the second bedroom.

Highland Cattle: The cattle are linked to the conservation project, providing habitat management. Highland chosen to deliver our conservation objectives in terms of sward for breeding waders etc.

They are also a commercial element of the farm; beef being sold via local butchers to local restaurants. All income from the cattle operation is recycled into the conservation project.

The cattle will benefit from an on-site presence, though the current scale of the herd alone may not fully financially support the dwelling.

Existing Dwelling: As above, utilising welfare only accommodation on site would require additional staff to operate a shift system, which is not sustainable. The existing dwelling is not suitable to provide additional self-contained permanent accommodation for a warden, in the same way that a farmhouse would not be considered suitable to provide accommodation for the farmer and their essential farm workers.

Sustainable Funding: The conservation project, like all conservation projects is not self-funding, the applicant is committed to continual funding of the project as they have for the last 15+ years.

For additional reassurance it is expected that any approval will have an appropriate condition restricting the dwelling to ongoing management and use of the land.

PLANNING HISTORY

22/01977/F: Application Withdrawn: 21/03/23 - Conservation Project including change of use of existing aviary, New aviaries and associated dwelling for warden/conservation officer - Marsh Farm

19/00314/F: Application Permitted: 05/04/19 - Extension to dwelling house - Marsh Barn – Delegated Decision

18/02141/AG: Consent Not Required: 21/12/18 - Agricultural Prior Notification: Proposed aviary for chickens, turkeys, ducks and geese - Marsh Farm – Delegated Decision

12/01915/F: Application Permitted: 18/01/13 - Extension to dwelling house - Marsh Barn Main Road – Delegated Decision

11/00325/AG: Consent Not Required: 28/04/11 - Agricultural Prior Notification - Erection of tractor shed/farm workshop/farm & machinery store - Deepdale Marsh Farm – Delegated Decision

08/00471/F: Application Permitted: 23/05/08 - Conversion of barn to residential dwelling - Marsh Barn – Delegated Decision

07/00507/F: Application Permitted: 23/07/07 - Change of use of barn to residential dwelling - Marsh Barn – Delegated Decision

RESPONSE TO CONSULTATION

Parish Council: NO OBJECTION

Highways Authority: NO OBJECTION TO AMENDED VISIBILITY PLANS, stating the following comments:

'Thank you for the revised consultation received relating to the above development proposal, which provides an improved access and visibility arrangement, which addresses my reasoning for refusal.

Whilst the site's location raises some transport sustainability concerns given its location and the lack of any pedestrian facilities, leaving its occupants reliant upon the private car to access essential goods and services, this would not warrant any highway objection and I would leave this for your consideration.'

Recommended various conditions controlling the upgrading of the access.

Ecology: NO OBJECTION provided guidance as to the adoption of the HRA.

Emergency Planner: NO OBJECTION recommended the occupiers sign up to the flood warning system.

Natural England: NO OBJECTION provided advice relating to GIRAMs and recreational impacts and the need for an appropriate assessment.

Environmental Health & Housing - Environmental Quality: NO OBJECTION

Environment Agency: NO OBJECTION in principle, providing advice in relation to future flood risk and proposed floor levels.

REPRESENTATIONS

ONE Letter of **SUPPORT**, the comments summarised as follows:

- *The access track, prior to 2009 was used to access barns storing farm machinery
- *The marsh is a wildlife haven well known for rare birds
- *Dwelling is needed for site warden to live on site
- *Suggestion of alternative mobile home to prevent dwelling being sold separately
- *The proposed use would decrease traffic movements from the warden
- *Access 150 yards west could be used as alternative
- *Other houses in the area have poor access safety

LDF CORE STRATEGY POLICIES

- **CS01** Spatial Strategy
- CS02 The Settlement Hierarchy
- **CS06** Development in Rural Areas
- **CS07** Development in Coastal Areas
- **CS08** Sustainable Development

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- CS10 The Economy
- CS11 Transport
- **CS12** Environmental Assets

SITE ALLOCATIONS AND DEVELOPMENT MANAGEMENT POLICIES PLAN 2016

- DM1 Presumption in Favour of Sustainable Development
- DM2 Development Boundaries
- DM6 Housing Needs of Rural Workers
- DM15 Environment, Design and Amenity

NEIGHBOURHOOD PLAN POLICIES

- Policy 2 Design, Style and Materials
- Policy 3 Footprint for New and Redeveloped Dwellings
- Policy 4 Parking Provision
- Policy 10 Protection and Enhancement of the Natural Environment and Landscape
- Policy 1 Appropriate Housing

NATIONAL GUIDANCE

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

PLANNING CONSIDERATIONS

The main considerations are:

- *Principle of development
- *Need for rural workers dwelling
- *Highway Safety
- *Form and Character
- *Habitat Regulations Assessment
- *Flood Risk
- *Other material considerations

Principle of Development:

Burnham Deepdale, alongside Brancaster and Brancaster Staithe is categorised as a Key Rural Service Centre within Policy CS02 of the Core Strategy (2011). However, the 23/00739/F Planning Committee application site is outside of any development boundary and within the wider countryside for the purposes of planning policy. Whilst the site cannot be considered isolated due to its proximity to the existing dwelling and farm building to the north, the location is rural in character and remote from local services and facilities.

The provision of aviaries for the conservation project is considered to accord with the aims of the NPPF in regards to biodiversity and is acceptable in principle.

The site is some 600m east of the built extent of Burnham Deepdale and accessed via the A149 (Main Road) which is categorised as part of the Strategic Road Network in DM12 due to its propensity to carry significant levels of traffic along the coast.

The application site is within the Brancaster Neighbourhood Plan Area however the Neighbourhood Plan is silent in terms of the principle of rural workers dwellings and the Borough Council's policies therefore take precedent in this instance.

Policy DM2 of the SADMPP sets out that new development within the countryside will be more restricted and will be limited to that identified as suitable in rural areas by other policies of the local plan.

Policy DM6 applies where there is an identified need to provide housing for a rural worker. For the purposes of Policy DM6 and the NPPF, a rural worker is defined as someone who is needed to live permanently in the countryside and to provide vital support to an agricultural, forestry or other enterprise which supports the rural economy and environment, and on or in close proximity to that enterprise; and where neither the worker nor the enterprise can be located in a designated settlement. A warden/conservation officer for the conservation project is considered to meet this definition in principle, however the identified need for a dwelling in this position is discussed in full below.

Need for rural workers dwelling

Policy DM6 states the following in relation to applications for new occupational dwellings:

'New Occupational Dwellings

1. Development proposals for occupational dwellings must demonstrate the stated intentions to engage in farming, forestry or any other rural-based enterprise, are genuine, are reasonably likely to materialise and are capable of being sustained. Proposals should show that the needs of the intended enterprise require one or more of the people engaged in it to live nearby.

2. Agricultural or rural based occupancy conditions will be placed on any new permanent or temporary occupational dwellings specifying the terms of occupation.

Permanent occupational dwellings

3. New permanent dwellings should only be allowed to support existing rural based activities on well-established rural based enterprises, providing:

- a. there is a clearly established existing functional need, requiring occupants to be adjacent to their enterprises in the day and at night,
- b. The need could not be met by existing dwellings within the locality,
- c. The application meets the requirements of a financial test demonstrating that:
- d. the enterprise(s) and the rural based activity concerned have been established for at least three years, have been profitable for at least one of them and;

i. are currently financially sound, and have a clear prospect of remaining so and;

- ii. the rural based enterprise can sustain the size of the proposed dwelling;
- iii. acceptable in all other respects

Temporary occupational dwellings

If a new dwelling is essential to support a new rural based activity, it should normally, for the first three years, be provided by a caravan, or other temporary accommodation.

5. New temporary dwellings should only be allowed to support rural based activities providing:

- a. The proposal satisfies criteria 3a and 3b above
- b. The application is supported by clear evidence of a firm intention and ability to develop the enterprise concerned (for example significant investment in new farm buildings is often a good indication of intentions);
- c. The application is supported by clear evidence that the proposed enterprise has been planned on a sound financial basis.'

Whilst a conservation project has been operating at Marsh Farm for in excess of 15 years, the Ruff project – which provides the proposed justification for the rural worker's dwelling is new.

As per Policy DM6 above, where a new dwelling is deemed essential to support a new rural based activity (in this case the Ruffs breeding programme), it should normally for the first three years, be provided by a caravan, or other temporary accommodation.

The Agent has consistently declined the opportunity to consider the provision of a temporary residential unit (Caravan or otherwise) to provide accommodation needs whilst the Ruff project continues to expand.

It is the LPA's opinion that a temporary dwelling could provide the accommodation needs for the project until such a time as it is proven to be viable long term and that a permanent presence in addition to the existing dwelling on site is proven necessary.

3a – Clearly Established Functional Need

The Ruff is classified in the UK as Red under the Birds of Conservation Concern 4: the Red List for Birds (2015). Protected in the UK under the Wildlife and Countryside Act, 1981. It breeds in a very few lowland sites in eastern England and the Project has been created as it appears that numbers are dropping, with a UK breeding population of 0-11 females (RSPB). Wintering population of 820 birds.

The proposed bungalow is intended to be utilised to house a warden/conservation officer to provide 24-hour care and security for the welfare of birds and to facilitate ongoing scientific research.

It is clear that the Applicant has operated/overseen some form of conservation project at Deepdale Marsh (the application site) for over 15 years however, the introduction of Ruffs and the breeding and reintroduction of the species to the land is a new enterprise. Whilst the Applicant's previous history with rewilding/habitat management projects across the marsh indicate some intention for the enterprise to be sustainable. There is limited information available to ascertain whether this new Ruffs conservation project is capable of being sustained.

The accommodation element of the proposal is stated to be required for both permanent onsite site management and conservation staff and scientists carrying out ongoing research. The dwelling would be occupied by a full-time warden and would provide a further bedroom for visiting researchers etc.

The supporting information also notes biosecurity reasons for an onsite presence, as a reduction in movements to/from site could minimise potential for bringing disease into the project site. Biosecurity measures are noted however other mechanisms are in place to prevent spreading of disease or other contamination on such sites. Additional information provided further details the need for monitoring of power systems, night monitoring of the marsh for wild breeding activities, pest control monitoring, and monitoring for trespassing or break-ins. No information has been provided to explain why the existing dwelling is not capable of monitoring these needs.

The planning statement supplied references the site conservation manager being responsible for highland cattle on the marsh. Additional information provided following the previous deferral outlines that there are currently 40 head of cattle on the wider site maximum (varying throughout the year). Currently there are around 12 calves per year and this is stated to be likely to increase, although no clear plans have been provided. The Agent's supporting statement agrees that the cattle alone would not justify a dwelling in this position.

Only very limited information has been provided to outline why other monitoring/automated systems are inappropriate. The newly submitted justification document outlines that the automated systems and water supply rely on constant power supply, any backup generator would need to be connected manually. The occupation of the dwelling by a conservation warden full time has not been justified through provision of information to demonstrate why such a project could not operate on a shift-based system. Similarly, no information has been provided as to why researchers could not travel to/from site or operate from a welfare block/office type building which would not require permanent provision of a new dwelling.

3b – *Existing Dwellings within the locality*

The Applicant owns the existing dwelling on site which is well-positioned to provide support for the aviaries without requiring a new permanent self-contained dwelling. The only justification provided by the Agent in this regard is that it would be 'unreasonable' to expect workers to share this accommodation, however the LPA suggests that ancillary accommodation or a welfare unit without permanent sleeping provision could be accompanied within or around the existing curtilage of this dwelling and could be considered to comply with other relevant policies.

Existing plans provided to the council under a separate application in 2019 showed the existing three-bedroom dwelling, with separate 'bunk room' outbuilding and playroom outbuilding and its established curtilage to the east, and the land around the house is considered likely able to accommodate a temporary annex building or similar which would not require the construction of a permanent new dwelling.

3c & 3d – Financial Viability

The applicant has not provided any financial information to demonstrate financial viability of the conservation projection going forward – the supporting information states that the project is driven by conservation rather than a commercial reward, and it is the cattle farming element which has a financial benefit. A statement was provided by the Applicant which

outlines that the Applicant has sufficient private funding sources to continue the use, but this would not necessarily be a self-sustaining enterprise.

As noted above, very limited information has been provided to ascertain how a dwelling is necessary for the cattle farming on site. The current number of cattle on site, considering the existing dwelling available, would not justify an entirely new dwelling for that purpose.

The need for the enterprise to be viable long-term particularly important given the nature of this consent seeks the permanent construction of a new dwelling rather than a temporary unit whilst this information comes forward.

The Applicants have declined the opportunity to consider the provision of a temporary caravan (or other temporary removable structure) which could provide the accommodation needs throughout the beginning stages of the project until the project is proven to be viable long term.

As a whole, the LPA do not consider that the application has been supported by sufficient information to demonstrate an essential functional need for a permanent new dwelling on site. Without adequate justification being provided, the application for a new dwelling is at odds with Policies CS01, CS02, CS08 of the Core Strategy (2011), Policies DM2 and DM6 of the SADMPP (2016).

Highway Safety:

The application site does not **currently** benefit from adequate visibility splays due to high banks and vegetation allowing only negligible views westwards. The provision of a dwelling which has not been justified in policy terms would lead to an increase in vehicle movements from this access directly onto the A149 which has substandard levels of visibility.

The required level of visibility against the predicted 85thpercentile speed requires the provision of 215m visibility splays in each direction. The Highway Officer confirmed via a site visit that the site can only demonstrate 15m visibility westwards and 50m eastwards.

The development as proposed would engender an 100% increase in vehicle activity via this access, comprising 6 daily movements per residential dwelling (TRiCS Database) resulting in an increase from 6 to 12 daily movements.

Since the discussion at the previous Planning Committee, the Case Officer, the Agent and the Local Highway Authority officer have attended a site meeting to discuss the highway implications of the development, and an amended plan has been received which provides for improvements to the access and allows sufficient visibility to be created to the west of the access. The Applicant controls sufficient land in either direction to allow the visibility improvements to take place to standard. The amended plans include the maintenance of the hedge row at its set back position which limits the impact of the works on the street scene. The access itself will be surfaced to NCC TRAD 5 specification and this has been agreed by the Local Highway Authority.

Overall, the proposed changes would result in improvements to the existing access point which would be of some benefit to road users and have removed the highway safety concerns associated with the proposed development. Conditions could be utilised to ensure that the visibility splays and access improvements are implemented as planned. The application is therefore considered to comply with the overarching aims of the NPPF (2023), Policies CS08, CS11 and DM15 of the Local Plan in regards to Highway Safety.

Form and Character:

The proposed dwelling would be located in proximity to the existing agricultural storage building, aviary and the Applicant's existing dwelling. The character of the wider area is especially rural and the proposed dwelling would result in an additional dwelling and the associated infrastructure being visible in the rural area when travelling along Main Road. Due to the height of boundary treatments and existing landscaping however the dwelling is likely to only be viewed in association with the existing dwelling and buildings on site and would not, on its own lead to any specific form and character concerns in terms of its position in the landscape and forward of the existing dwelling.

The application proposes the construction of a single storey two-bedroom bungalow with hipped roof and elements of stonework detailing. The bungalow is simple in design and its low ridge line will prevent any significant impact on the surrounding landscape when considered alongside the existing hedgerows around site boundaries.

The aviaries are proposed to be constructed of mesh with metal hoop supports. The various aviaries proposed would not have any significant adverse impact on the landscape.

Policies 1 and 2 of the Neighbourhood Plan require development to be in keeping with its context and to take into account the National Landscape. Policy 2 supports the use of traditional materials which have been utilised within this proposed design.

The proposal complies with Policy 3 of the Neighbourhood Plan in regards to footprint and plot coverage and Policy 10 in relation to protecting from harm to the National Landscape.

The proposed design is therefore considered acceptable and complies with Paras 135 and 182 of the NPPF (2023), Policy DM15 of the SADMPP (2016) and Policy 1 of the Neighbourhood Plan. Conditions could be used to ensure the proposed materials and landscaping are acceptable.

Habitats Regulations Assessment

Natural England and the Borough Council's Ecologist have been in contact throughout the course of this application to ensure that the proposed development will not lead to adverse impacts on protected sites. Potential Impacts could arise both by reason of the new dwelling proposed and also through the introduction of new birds on to a sensitive site and the interrelationships between the introduced birds and the existing native species.

As Competent Authority, the LPA considers the information provided by the agent in support of this application is sufficient to rule out significant impacts, subject to the payment of the GIRAMs Fee (£210.84) to offset the impacts of the new dwelling. This fee was paid as part of the submission.

The Appropriate Assessment concludes that the Ruffs project is complimentary to the conservation objectives of the European Sites and the provision of permanent accommodation in association with the project will have no likely significant effect on European sites – alone or in combination.

The application therefore complies with the NPPF (2023), Policy CS12 of the Core Strategy (2011) and Policy 10 of the Neighbourhood Plan in relation to biodiversity impacts and impacts on protected sites.

Flood Risk:

As confirmed by the Environment Agency, a flood risk assessment is not required for the proposed site as the residential use is within Flood Zone 1.

Whilst the release aviaries are partly within an area identified as Flood Zone 2 which runs along the north boundary of the application site, the aviaries are water compatible development for the purposes of the NPPF and therefore suitable for this level of flood risk and the flood risk impacts are considered acceptable.

The more vulnerable use (the proposed dwelling) is located on land currently categorised as Flood Zone 1, the Future Flood Zones included within the SFRA are considered by the Environment Agency to be out of date, as they have been superseded by the Environment Agency's 2018 coastal modelling, and subsequent updated UKCP18 climate change allowances. These show that the location of the proposed dwelling lies just within the future 0.5% (1 in 200) climate change outline (Future Flood Zone 3). So, while the requirement for the FRA in footnote 59 of the NPPF has not been officially met as the new up to date outlines are not within the SFRA as required in footnote 59, the proposed dwelling does actually lie within 'land identified as being at increased flood risk in future'.

The NPPF and Planning Practice Guidance set out that future flood risk should be taken into account as part of decisions.

If the justification were to be accepted by Members, the Sequential Test could be considered to be passed as the dwelling is required to be in close proximity to the site and cannot reasonably be relocated elsewhere.'

Plans were amended during the course of this application to show the proposed FFL of the bungalow at 7.01m AOD which fully accords with the Environment Agency's recommendations. Further conditions could be appended to any consent.

On this basis, the proposed dwelling can be considered safe for its lifetime and complies with that part of Paragraph 170 of the NPPF (2023).

Other material considerations

Impact on Neighbour Amenity: The application site is remote from adjoining dwellings or sensitive uses and the proposal would not impact on residential amenity.

Crime and Disorder: There are no known crime and disorder impacts, other than those comments provided in relation to biosecurity and trespassing, discussed within the report above.

CONCLUSION:

The NPPF reiterates the provisions of Section 38(6) of the Planning and Compulsory Purchase Act 2004 which states that applications for planning permission must be determined in accordance with the development plan unless strong material considerations indicate otherwise. The starting point for consideration of this planning application is the development plan, and planning legislation dictates that planning decisions should be made in accordance with the development plan unless material considerations clearly dictate otherwise. The Borough Council's Core Strategy (2011) and Site Allocations and Development Management Policies Plan (2016) set out a strong presumption against new residential development in the countryside.

The application seeks consent for the change of use of existing aviaries, the construction of new aviaries and the construction of a new dwelling associated with a conservation project at Deepdale Marsh. Whilst the principle of new aviaries is acceptable, insufficient information has been provided as part of this application to demonstrate that there is an existing functional need for a permanent new dwelling in association with the project or that the need could not be met through existing dwellings or by other means.

The Applicants have declined the opportunity to consider the provision of a temporary caravan (or other temporary removable structure) which could provide the accommodation needs throughout the beginning stages of the project until the project is proven to be viable long term.

The application site does not currently benefit from adequate visibility splays due to high banks and vegetation allowing only negligible views westwards, however amended plans have been submitted to show improvements to the access point which could be controlled via condition. The provision of a dwelling which has not been justified in policy terms would lead to an increase in vehicle movements, however the access could be made safe through the changes proposed and the LPA cannot therefore substantiate a highway safety objection.

In light of insufficient information coming forwards to demonstrate a clearly established functional need for a permanent new dwelling in the wider countryside and some 650m from the edge of the Burnham Deepdale, the proposal constitutes unsustainable development at odds with the Local Plan when read as a whole and at odds with the overarching aims of the NPPF (2023). In particular, the proposal fails to comply with Paragraph 83 of the NPPF (2023) and Policies DM2 and DM6 of the SADMPP (2016).

The application is therefore recommended for refusal on the following grounds.

RECOMMENDATION:

REFUSE for the following reason(s):

1 The application seeks consent for the construction of a permanent new dwelling the countryside in an area where such development would not normally be permitted, as per Policy DM2 of the SADMPP (2016). In light of insufficient justification coming forward to demonstrate a clearly established functional need for a new dwelling in association with an existing rural enterprise, or in this instance a Conservation Project, the proposed development is considered to be at odds with Policies DM2 and DM6 of the SADMPP (2016) and would fail to meet the aims of the NPPF (2023) and the Development Plan in relation to sustainable development.