Parish:	**East Winch**	
Proposal:	**Retrospective application for 3 storage yards separated with palisade fencing and lockable gates**	
Location:	**Old Railway Yard Gayton Road East Winch Norfolk PE32 1LG**	
Applicant:	**JN Crane Hire**	
Case No:	**25/00280/F (Full Application)**	
Case Officer:	**Mrs C Dorgan**	**Date for Determination:** **17 April 2025** **Extension of Time Expiry Date:** **8 May 2025**

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

Neighbourhood Plan: No

Case Summary

Retrospective planning permission is sought for the construction of three storage yards separated with palisade fencing and lockable gates. The application site is within a larger commercial/ employment area, which has primarily been used as a storage yard for a considerable period of time. The site is accessed via Gayton Road, East Winch.

The application site is located in the countryside, outside of the development boundary for East Winch and to the north west of the village. East Winch is categorised as a Rural Village (tier 5) in the adopted Local Plan 2021-2040. The site also includes the protected route of a disused railway trackbed (From Middleton Towers to the borough boundary at Pentney) as identified in Policy LP12 of the Local Plan.

Key Issues

Principle of Development
Highways/ Access
Form and Character
Impact on Neighbour Amenity
Drainage/ Flood Risk
Disused Railway Trackbed
Other Material Considerations

Recommendation

APPROVE

THE APPLICATION

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The application site is located in the countryside, outside of the development boundary for East Winch and to the north west of the village. East Winch is categorised as a Rural Village (tier 5) in the adopted Local Plan. The site also includes the protected route of a disused railway trackbed (From Middleton Towers to the borough boundary at Pentney) as identified in Policy LP12 of the Local Plan.

The storage yards are 19m by 12m, with a hard standing area of 12m x 12m. Each storage area includes a storage container with a footprint of 2.5m by 6m, and 3m in height. The green palisade fencing around each storage area is 2m in height and green in colour.

SUPPORTING CASE

This application is for new separated storage areas within an existing storage site. No development is to take place in terms of permanent buildings.

Responses to objections received:

East Winch Parish Council Objection

1. Highways have addressed this objection and have no objection to the current application. The site offers the full required visibility splay for the recently surveyed speeds of the road in this location.
2. There is no evidence of any dykes being filled in, the council are more than welcome to attend a site visit if required. The dykes that border the property have brambles growing along their banks, but there are no restrictions to potential water flow. The concrete pads are surrounded by permeable materials that would intercept any possible run-off prior to reaching the nearby dyke.
3. I do not believe any boundaries have been moved. I would be happy to address this point if this can be clarified in more detail.

Third party Objections

- There is no evidence that the concrete bases have increased the potential flooding to neighbouring properties. No ditches have been filled in.
- The works that have been described were carried out by Highways and not the applicant. The works were part of the improvements by highways for the newly installed footpath for the public to gain access to the post office.
- Whilst I understand there was an historic railway track bed in this location, there is no evidence of any of the actual track or bed remaining. I do not have access to the conditions of sale of this land originally, so cannot comment on the ownership or access rights or covenants. However, in response to LP12, should restoration of the previous track bed be required, the applicant is more than happy to discuss options and work with the council regarding access and if required, alter the current use of the land. As there are no proposed permanent buildings, restoration of the ground works would be minimal.

PLANNING HISTORY

24/00628/F: Application Withdrawn: 05/07/24 - Retrospective application for 3 storage yards separated with palisade fencing and lockable gates - Old Railway Yard

2/94/0967/F: Application Permitted (Delegated decision): 20/07/94 - Retention of 2 No portable buildings for storage - Charringtons Station Yard

08/01620/F: Application Permitted (Delegated decision): 19/08/08 - Construction of 3 No light industrial / warehouse units - Old Railway Yard

08/00560/F: Application Refused (Committee decision): 06/05/08 - Construction of 3 light industrial/warehouse units - Old Railway Yard

2/96/1212/F: Application Permitted (Delegated decision): 29/11/96 - Retention of one portable building for storage - Station Yard

RESPONSE TO CONSULTATION

Parish Council: OBJECTION

OBJECT to this application for the following reasons -

1 The site enters and exits on to a blind corner. The applicant has cut back some of the bramble and hedge growth but it is unlikely to overcome the problem. The recently built TROD has to also be crossed at this point making it a dangerous crossing area.

2 The site is a flood risk area not helped by the filling in of dykes on the property and the construction of the concrete pads. This has led to serious flooding of the neighbouring properties.

3 The site boundary line has been moved meaning the site is encroaching onto neighbouring properties.

Highway Authority: NO OBJECTION SUBJECT TO CONDITION

Having visited the site and reviewed the submitted information, we observe that visibility splays are proposed which accord with the adopted guidance and the yards are sufficiently far back in the site were parking and servicing would be contained off highway.

As a result and on the basis of the condition recommended we would not seek to further restrict the grant of permission. A condition should be attached to secure the required visibility splays.

Environmental Health & Housing - Environmental Quality: NO OBJECTION

Contaminated Land - The land is part of the former Great Eastern Railway, sidings, and yard. There is a possibility of some residual contamination from the former use, and from historical working practices or waste disposal. However, the retrospective proposal is for secure storage yards which are not a more sensitive end use than the current permitted use and are predominantly hard surfaced. Therefore, there is unlikely to be any significantly increased risk from land contamination. We have no objection to the retrospective application. The applicant should note that any future applications on this site should take

account of the former land use in line with NPPF (para 196 and 197) and the Environment Agency's Land contamination risk management guidance.

Air Quality - We have no objection in terms of air quality for this retrospective application for 3 storage yards.

Arboricultural Officer: NO COMMENT

No comment to make on this application, the proposals should not impact on the existing landscape.

Ecologist: NO OBJECTION

The proposal is retrospective. Had the application come forward in the usual way it would not have warranted an objection as the site biodiversity baseline is unlikely to have been high value. If you are minded to grant consent please attached a BNG informative.

REPRESENTATIONS: ONE OBJECTION received

This planning application, if approved, will damage/prevent/the prospects of the Middletown Towers Restoration Group (MTRG) from restoring the former railway between Kings Lynn - Narborough. The adverse effect the application will have on the larger project to restore the railway, that will creating jobs, preserving heritage and bring communities together cannot be understated.

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

LP06 - Climate Change (Strategic Policy)

LP13 - Transportation (Strategic Policy)

LP18 - Design & Sustainable Development (Strategic Policy)

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

LP21 - Environment, Design and Amenity (Strategic Policy)

LP12 - Disused Railway Trackways (Strategic Policy)

NATIONAL GUIDANCE

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

PLANNING CONSIDERATIONS

The main considerations are:

Principle of Development
Highways/ Access
Form and Character
Impact on Neighbour Amenity
Drainage/ Flood Risk
Disused Railway Trackbed
Other Material Considerations

Principle of Development:

The application seeks retrospective consent for the construction of three secure storage areas, fenced with lockable gates. The application site is within a wider area of land with a well-established use as commercial storage with various existing large containers/ equipment on site.

The National Planning Policy Framework (NPPF Dec 2024) states in paragraph 88 'Planning …decisions should enable: a) the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed, new buildings;' Paragraph 89 goes on to state that 'Planning … decisions should recognise that sites to meet local business and community needs in rural areas may have to be found adjacent to or beyond existing settlements, and in locations that are not well served by public transport. In these circumstances it will be important to ensure that development is sensitive to its surroundings, does not have an unacceptable impact on local roads and exploits any opportunities to make a location more sustainable.' Policy LP07 of the Local Plan reiterates this support for the rural economy.

While the site is clearly separated from the development boundary for the village, the development intensifies the use of an existing commercial site. As such while the use of the site is already established, the intensification of this use is in accordance with the NPPF and Local Plan Policy LP07.

Highways / Access:

The access to the application site is shared with the existing access to the wider area of land and is via a single point of access off Gayton Road. The applicant has demonstrated they are able to provide the required visibility splays as specified by the Local Highway Authority. The Local Highway Authority has no objection to the proposed development subject to these splays being in accordance with the plans submitted and to be retained as such.

Recently, a TROD has been constructed across the front of the site, across the existing access, to provide a pedestrian route from the village to the Post Office. The Parish Council states that this has created a dangerous crossing point. However, a right of vehicular access is already well established in this location. It is not considered that the scale of development would give rise to highway safety issues as a result.

The development is in accordance with the NPPF and Local Plan Policies LP13 and LP21.

Form and Character:

As stated above the use of the site is well established, and the site has long included the storage of storage containers, heavy vehicles etc. The development of the three storage compounds with storage containers, hard standing and green palisade fencing at 2m in height, is not incongruous with the wider site. The development is set against the backdrop of the other structures/ vehicles/ fencing on site and as such is not contrary to the form and character of the locality. The development is considered unacceptable in terms of visual appearance and is in accordance with Policy LP21.

Impact on Neighbour Amenity:

The storage areas are positioned as such that the closest dwelling is 55m to the southwest, and then opposite on Gayton Road a dwelling is approximately 100m in distance. To the north is agricultural land with three hangar buildings and a barn which is in agricultural use. The application site has recently changed ownership and as a result differing levels of traffic and use may be evident to that historically. The creation of the three modest sized compounds does potentially generate additional traffic to the site, and therefore there may be additional vehicle movements. For this reason it is appropriate to condition the use of the land to storage only, to retain controls over the use of the site (Use Class B8 Storage or distribution - Use for storage or as a distribution centre as detailed in The Town and Country Planning (Use Classes) Order 1987 (as amended)).

The site is in a rural location with nearby residents, and it is necessary that the development does not result in an unacceptable level of disamenity as a result of this. With the inclusion of this condition, the development is in accordance with Policy LP21 of the Local Plan.

Drainage/ Flood Risk:

Concerns have been raised by the Parish Council that the applicant has filled in some drains on the site, which has resulted in surface water flooding issues for land to the north and west of the application site. The applicant states that no drains have been filled in to facilitate the development. Having visited the site there is no evidence of very recent works such as those suggested, the land along both sides of the site, the areas specified by the Parish Council, has a lot of established vegetation. Historic aerial photographs are not sufficiently clear on this matter. The hard surfacing areas of the storage compounds are likely to result in an increase to surface water runoff, however this area is a small part of a much larger site which includes unsurfaced areas of land particularly to the west. The applicant has not submitted a surface water drainage strategy for the scheme. The NPPF and Local Plan are clear in that new development should not give rise to off-site flooding as a result. However, based on the scale of development in the context of the wider site, alongside the physical appearance of the site, the drainage concerns are not considered sufficient to warrant the refusal of the application on this basis. While there is no evidence that this has directly resulted in surface water drainage issues in the locality it is suggested that a condition is attached to the consent to secure a surface water drainage scheme for the application site within a specified period of time. With the condition in place, the development is in accordance with the NPPF and Local Plan Policy LP21.

Disused Railway Trackbed:

Policy LP12 of the Local Plan seeks to safeguard the Disused Railway Trackways from development which would prejudice their potential future use for paths, cycleways, bridleways, new rail facilities, etc. unless the proposals for trackway use are accompanied by appropriate alternative route provision that makes the safeguarding unnecessary:

g. From Middleton Towers to the borough boundary at Pentney;

The Local Plan identifies that this route runs through the application site.

An objection has been received raising concerns that the development would damage/preventthe prospects of the Middletown Towers Restoration Group (MTRG) from restoring the former railway between Kings Lynn - Narborough.

In response the applicant has stated that in the event that this was to be re-used in future, the storage areas would of course require altering, however, there is no plan to develop these areas with buildings, so disruption would be minimal. There is already existing hardstanding and storage containers to the east of the application site as well as residential dwellings to the south and west within very close proximity to this route.

The development includes three modest concrete pads, fencing and three small storage containers (which could easily be relocated). There is sufficient space within the ownership of the applicant (to the south of the concrete pads) to potentially provide a route through the site for a path/ cycleway. If a larger scheme were to come forward for new rail facilities for example, the nature of the modest development is such that it would not prevent/ prejudice such a potential future use. As such the development is in accordance with Local Plan Policy LP12.

Other Material Considerations:

Land Ownership – The Parish Council has stated that the applicant has moved the site boundary, thereby encroaching onto neighbouring properties. The deeds for the land have been received and the application site falls within the ownership of the applicant. Any land ownership disputes relating to shared boundary fences or trees on the wider site are outside of the planning process and should be pursued as a civil matter.

Ecology – The application seeks retrospective consent and as such there is no requirement for Bio Diversity Net Gain. However, the Ecologist has confirmed that had the application come forward in the usual way they would not have objected to it as the site biodiversity baseline is unlikely to have been high value.

Arboriculture/ Landscaping – The creation of the TROD and the establishment of the access with the required visibility splays have resulted in the removal of vegetation along the frontage of the site. Objections have been raised with regard to this loss. However, these were not protected and the applicant as a land owner and the Local Highway Authority are able to clear overgrown vegetation as ongoing maintenance of their land.

A neighbour has stated that a tree has been removed from the locality (but outside of the red line). This tree was not protected. The Arboricultural Officer has no objections to the scheme.

Climate Change – The application site is approximately 0.1ha and therefore the applicant is not required to submit a Sustainability and Climate Change Statement under Local Plan Policy LP06. This policy states that ‘development shall recognise and contribute to the importance of, and future proofing against, the challenges of climate change and to support the transition towards meeting the Government target of becoming a net zero economy by 2050.’ Given the nature of the development there are minimal opportunities the applicant could take to seek to address this policy and to date there are no specific measures incorporated within the scheme.

CONCLUSION:

The principle of development in terms of the commercial storage use is already existing and well established. The development is not contrary to the form and character of the locality, and would be seen in the context of the wider commercial site. In terms of access, there are no objections from the Local Highway Authority and while a TROD runs across the front of the site it is not considered the traffic levels would be of a scale to cause safety concerns. There are no objections with regard to ecological impacts or landscaping.

The Parish Council has raised concerns regarding drainage on the site, and that the development has resulted in off-site flooding. However, it cannot be determined what alterations have been made to the existing drains on site and if the development of the application site has directly resulted in the off-site flooding. That said a condition is attached to secure surface water drainage details for the application site.

Finally, it is considered that the scale and nature of the development would not prejudice the potential future use of the disused railway trackbed for paths, cycleways, bridleways, new rail facilities, etc.

The retrospective application is recommended for approval subject to the conditions detailed below. The development is in accordance with the NPPF and Local Plan policies LP12, LP13 and LP21.

RECOMMENDATION:

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

1 Condition: The development hereby permitted shall be carried out in accordance with the following approved plans Drawing Nos-

17418-PL1 D SITE AND LOCATION PLANS received 20 Feb 2025
17418-PL2 A FLOOR PLAN AND ELEVATIONS received 20 Feb 2025
17418-PL3 B VISIBILITY SPLAYS received 20 Feb 2025.

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

2 Condition: Prior to the continued use of the development hereby permitted visibility splays shall be provided in full accordance with the details indicated on the approved plan. The splay shall thereafter be maintained at all times free from any obstruction exceeding 0.6 metres above the level of the adjacent highway carriageway.

2 Reason: In the interests of highway safety in accordance with the principles of the NPPF and Local Plan Policies LP13 and LP21.

3 Condition: The development hereby approved shall be used for the purposes of Class B8 (Storage or distribution) only, (as defined within the Town and Country Planning (Use Classes)(Amendment)Order 2020)), or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification) and shall not be used for any other purpose, including any use permitted under Schedule 2, Part 3 'Changes of Use' of the Town and Country Planning (General Permitted Development) Order 2015, as amended, or any order revoking and re-enacting that Order with or without modification.

3 Reason: In order that the Local Planning Authority may retain control over the use of the premises where an alternative use otherwise permitted by the above mentioned Order would be detrimental to the amenities of the locality and would be contrary to the NPPF and Local Plan Policy LP21.

4 Condition: Within three months of the date of this decision full details of the surface water drainage arrangements for the site shall have been submitted to and approved in writing by the Local Planning Authority. The drainage details shall be constructed as approved within six months of the date of this decision.

4 Reason: To ensure that there is a satisfactory means of drainage in accordance with the NPPF and Local Plan Policy LP21.