

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

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

Neighbourhood Plan: No

Case Summary

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

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

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

Key Issues

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

Recommendation

REFUSE

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THE APPLICATION

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

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

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

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

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

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

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

SUPPORTING CASE Submitted on behalf of the Applicant:

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

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

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

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

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

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

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

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

PLANNING HISTORY

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

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

Appeal: Ongoing

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

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

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

RESPONSE TO CONSULTATION

Parish Council: NO OBJECTION

There are no objections to this application.

Highways Authority: NO OBJECTION

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

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

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

Environment Agency: NO OBJECTION

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

Environmental Quality - Contaminated Land: NO OBJECTION

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

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

The surrounding landscape is largely agricultural.

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

IDB: NO OBJECTION

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

Historic Environment Services: NO OBJECTION

There are no known archaeological implications.

Emergency Planning: NO OBJECTION

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

REPRESENTATIONS

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

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

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

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

LP02 - Residential Development on Windfall Sites (Strategic Policy)

LP06 - Climate Change (Strategic Policy)

LP13 - Transportation (Strategic Policy)

LP14 - Parking Provision in New Development

LP18 - Design & Sustainable Development (Strategic Policy)

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

LP21 - Environment, Design and Amenity (Strategic Policy)

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

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

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

NATIONAL GUIDANCE

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

PLANNING CONSIDERATIONS

The main considerations are:

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

Planning History:

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

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

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

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

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

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

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

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

Principle of Development:

Local Plan Policy LP01 (Spatial Strategy and Settlement Hierarchy) seeks to distribute the majority of growth within the most sustainable locations. This approach makes the most of existing services and facilities, providing jobs and housing in the most accessible locations. Policy LP01 seeks to deliver appropriate levels of growth through the settlement hierarchy, with the main sub-regional centre of King's Lynn being in the highest tier (Tier 1) down to the least sustainable settlements which have little to no service provision and are within Tier 6 (Smaller Villages and Hamlets).

Outside of specific land allocations, residential development on windfall sites is determined using Policy LP02. Within this policy some residential development is allowed outside of, but immediately adjoining the settlement boundaries of Tiers 1-4 provided they meet the criteria set out within the policy.

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

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

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

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

Design Acceptable:

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

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

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

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

Impact on Neighbours Acceptable:

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

In terms of impact on neighbours, the proposal would comply with Policy LP21 of the Local Plan 2021-204.

Flood Risk issues:

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

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

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

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

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

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

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

Other material impacts:

Highway Safety:

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

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

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

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

Ecology:

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

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

Other matters: Public Sector Equality Duty

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

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

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

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

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

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

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

CONCLUSION:

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

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

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

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

RECOMMENDATION:

REFUSE for the following reason(s):

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

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

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

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

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