

Parish:	Marshland St James	
Proposal:	OUTLINE APPLICATION - 9 Self Build Dwellings	
Location:	Land N of 4 Walton Road Marshland St James Norfolk PE14 8DP	
Applicant:	Mr Nick Barker	
Case No:	25/00060/O (Outline Application)	
Case Officer:	Mr K Wilkinson	Date for Determination: 29 April 2025 Extension of Time Expiry Date: 5 December 2025

Reason for Referral to Planning Committee – At the discretion of the Assistant Director due to the adoption of the Marshland St James Neighbourhood Plan.

Neighbourhood Plan: Yes

Case Summary

The application seeks outline planning permission for 9 no. self-build dwellings, on a parcel of land on the NE side of Walton Road with access proposed off Walton Road (via a vacant building plot in a row of recently built houses) and to the rear of dwellings facing Smeeth Road just NE of the Hickathrift crossroads junction. The layout and access are for consideration at this stage and plans demonstrate 9 plots served off a private drive; all other matters are reserved for later consideration.

The current use of the land is agriculture (grade 2). The application site lies mostly outside of the development boundary of Marshland St James (access drive plus a strip of approx. 12m to the rear of Walton Road properties is inside) and abuts it on the SE boundary. The site lies within Flood Zones 2 & 3A.

This application was proceeding towards an approval subject to a Section 106 agreement (to secure affordable housing contribution, GIRAMS payment and Custom & Self-Build tenure) following referral to the Planning Sifting Panel on 4th June 2025 due to the objection of the Parish Council.

However, in the interim prior to completion of the legal agreement, the Marshland St James Neighbourhood Plan has been adopted (on 8th October 2025) which has raised some conflict and is now the most up-to-date planning policy consideration and has full weight, so the application has been referred to the Planning Committee for determination at the discretion of the Assistant Director.

Key Issues

Principle of development
Form and character
Impact on neighbours
Highway impacts
Affordable housing
Ecology
Flood risk issues
Drainage
Other material considerations

Recommendation**REFUSE****THE APPLICATION**

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SUPPORTING CASE

The following submission has been made in support of this proposal:

“Under Section 70(2) of the Town and Country Planning Act 1990, Local Planning Authorities must have regard to the development plan and to any other material planning considerations when determining an application. In this instance, the relevant development plan comprises the Marshland St James Neighbourhood Plan (NP) and the King’s Lynn and West Norfolk Local Plan (Local Plan).

A significant material consideration in this case is the Council’s current inability to demonstrate a sufficient supply of self-build plots, despite its statutory duty under the Self-build and Custom Housebuilding Act 2015 (as amended) to meet identified demand. This persistent shortfall represents an ongoing failure to provide opportunities for individuals and groups wishing to build their own homes.

The application therefore offers an immediate and measurable contribution toward addressing this unmet statutory obligation. By providing up to nine self-build plots, the proposal would make a meaningful and locally relevant addition to the Council’s self-build register supply, directly assisting in fulfilling national and local policy objectives to diversify housing delivery and encourage greater community participation in the housing market.

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The NPPF makes clear that local planning authorities should take proactive steps to meet the needs of those wishing to build or commission their own homes. Given the limited supply of plots across the borough, this proposal represents a valuable and deliverable opportunity to expand housing choice, promote self-reliance, and foster high-quality, individually designed homes tailored to local needs. These are clear social and economic benefits that weigh substantially in favour of the development.

The NP identifies key community priorities, including the need for more local services and a housing mix that reflects local demand. While the NP recognises the village's linear character and generally discourages development in depth, the proposal's partial location within the defined development boundary, and its capacity to deliver much-needed self-build and affordable housing, justify a balanced and flexible interpretation of these policies.

The scheme provides for one on-site affordable unit alongside a financial contribution towards further affordable provision, secured through a Section 106 Agreement currently in preparation. The site's proximity to the village centre and its partial inclusion within the settlement boundary render it sustainable and accessible, consistent with Policy LP02 of the Local Plan. There is sufficient space to deliver dwellings of an appropriate scale, design, and layout, consistent with Policies LP18 and LP21.

While the proposal introduces limited development beyond the traditional linear form of Marshland St James, it would deliver significant and tangible benefits by directly contributing to the Borough's self-build housing supply, meeting an identified need, and offering affordable housing within the village. These benefits align with the Government's drive to widen housing choice and empower individuals to build their own homes.

When weighed against any minor conflict with neighbourhood plan policy, the clear and measurable public benefits, particularly the contribution toward meeting the Council's statutory self-build duty, are considered to decisively outweigh any limited harm. The planning balance therefore lies firmly in favour of granting outline permission."

PLANNING HISTORY

Front part of site:

17/01016/RMM: Application Permitted: 21/08/17 - Reserved Matters Application for residential development of 15 new dwellings (Delegated decision)

16/00122/OM: Application Permitted: 24/05/16 - OUTLINE APPLICATION SOME MATTERS RESERVED: Residential development for 15 new dwellings (Delegated decision)

RESPONSE TO CONSULTATION

Parish Council: OBJECT - Extracts from the Design & Access Statement are mentioned below – the Council's comments follow each point:

2.4 states that Policy CS06 aims to maintain local character and ensure that other facilities are within close proximity to the site.

Marshland St James is a linear Parish, with linear development. The proposed 'back-fill' development would not blend into the street scene. The Parish as a whole has minimal facilities – no public transport, no medical facilities, no public house and no shop. Marshland Hall is a significant local and regional social centre, and Marshland St James Methodist

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Church offers worship and a meeting space. The village school is close to capacity and the nearest Doctor's surgery are some three miles away.

2.4 refers to the emerging Neighbourhood Plan document stating that 'a preferred site further to the West has been proposed for housing'.

That was the case early in development of the emerging Neighbourhood Plan, but the site was removed from the version that is in final consultation based on parishioners' objections.

2.4 also states that the proposal presents 'a direct benefit to the local community by means of the provision [of] dwellings that are more affordable'.

The application is for self-build plots not dwellings so cannot meet the aim mentioned above.

Moving to Page 5 the applicant mentions the three dimensions of sustainable development:

Economic Role – the proposal would enhance the vitality and viability of the new village community centre.

The number of potential new residents is insignificant in relation to the total population of the Parish.

Social Role – Mention is made of 'local services of health, social and cultural well-being'.

As stated above, the Parish has no medical facilities, and only the Church and Marshland Hall for social activities.

Environmental Role – states that the proposal constitutes development between existing buildings.

The sketch of the development shows that the proposed plots form 'back-fill' development rather than infill between existing buildings.

As evidenced by the design and access statement this development of 9 detached houses would show an extra dependency on car travel for the basic of amenities, with the nearest doctors' surgery 3 miles away. Marshland St James does not have a regular bus service. This development is therefore contrary to CS11 of the Core Strategy which deals with traffic issues in new developments.

Further comments:

The Parish Neighbourhood Plan was recently consulted on via a door-drop to all properties in the Parish. Parishioners were clearly opposed to any development of scale – the current application would clearly fall into that category.

The Design and Access Statement refers on Page 3 to the site being unused agricultural land that is now 'unsuitable for agricultural use due to its size and isolation from any access points', although the application proposes a 10m wide private driveway, a size that would facilitate agricultural access should the land be put into cultivation.

The application concerns the development of open countryside/former agricultural land which would allow buildings outside of the defined development area of the village. There are no material considerations to outweigh the principal objection to this application and therefore as it is contrary to the provisions of the NPPF and the core strategy policies CS06 CS08 of the Local Development Framework, the Parish Council objects to this application.

Councillors understand that the sewerage system through the Parish is at capacity, enquiries should be made to ensure that nine additional properties (potential for 40+ residents) can be accommodated.

Local Highway Authority: NO OBJECTION subject to conditions.

Environment Agency: NO OBJECTION

District Emergency Planning Officer: NO OBJECTION suggests signing up to EA's flood warning system and preparation of an evacuation plan.

IDB: NO OBJECTION – comments regarding byelaw matters.

Anglian Water: OBJECTION - Concerns expressed regarding downstream capacity, but pre-commencement condition suggested to secure any necessary upgrades.

Environmental Quality: NO OBJECTION

Historic Environment Services: NO IMPLICATIONS

Norfolk Constabulary: NO OBJECTION offers comments on pursuit of Secured by Design accreditation.

Norfolk Fire & Rescue Services: NO OBJECTION subject to condition to provide a fire hydrant as part of the development.

Senior Ecologist: NO OBJECTION subject to conditions.

Housing Development Officer: NO OBJECTION subject to legal agreement to secure affordable housing contribution – one built unit for rent and commuted sum of £56,800 towards off-site provision.

REPRESENTATIONS: A total of **NINE** items of correspondence raising **OBJECTION** to the proposed development on the following summarised grounds:

- Residential amenity/privacy/overlooking
- Disturbance/dust during construction
- Crime and disorder concerns
- Drainage
- Overdevelopment
- Wildlife
- Pressure on school and lack of facilities

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

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

LP02 - Residential Development on Windfall Sites (Strategic Policy)

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

LP06 - Climate Change (Strategic Policy)

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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)

LP23 - Green Infrastructure (Strategic Policy)

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

LP28 - Affordable Housing Policy (Strategic Policy)

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

NEIGHBOURHOOD PLAN POLICIES

MSJ1 - New Services, Facilities and Employment Opportunities

MSJ2 - Protection of Community Facilities

MSJ3 - Housing Mix

MSJ4 - Affordable Housing

MSJ5 - Design

NATIONAL GUIDANCE

National Planning Policy Framework (NPPF)

Planning Practice Guidance (PPG)

National Design Guide 2021

PLANNING CONSIDERATIONS

The main considerations in determining this case are as follows:

Principle of Development:

Paragraph 83 of the NPPF 2024 states that to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. Planning policies should identify opportunities for villages to grow and thrive, especially where this will support local services. Where there are groups of smaller settlements, development in one village may support services in a village nearby.

The application is identified as 'self-build' dwellings and paragraph 73(b) of the NPPF 2024 seeks opportunities to support small sites to come forward for self-build and custom build housing. Local Plan Policy LP31 supports self-build housebuilding where it respects local character and complies with other relevant policies of the plan.

The Borough Council also has a legal duty to give suitable development permission to provide enough serviced plots of land to meet the demand for self-build and custom housebuilding in its area. 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 in assessing a planning application.

Marshland St James is classified as being in Tier 5 (Rural Village) under Policy LP01 of the adopted Local Plan (2021-2040). Under Policy LP02 (Residential Development on Windfall Sites), residential development will not normally be supported outside the development boundaries unless allocated through the Local Plan or Neighbourhood Plan. The site is not an allocated site in the Local Plan and Marshland St James has most recently adopted its Neighbourhood Plan and once again this site is not allocated.

Within Tier 5 settlements there is an identified housing requirement (within Appendix 1 of Policy LP03) for which there are no opportunities within the development boundary that are not allocated, or the relevant Neighbourhood Plan does not address these through allocations. In such circumstances, small-scale development of up to five houses, will be supported as is necessary to meet that housing requirement and subject to criteria under Parts 1 and 2 of Policy LP02.

Marshland St James has an allocation of 4 dwellings under Policy G57.2 on land adjacent to 145 Smeeth Road. There is however an identified minimum need of 3 additional dwellings (shown within Appendix 1 and Policy LP03), which could have been addressed by the neighbourhood plan, but no allocations have indeed been made.

This application seeks permission for 9no. self-build dwellings, so Policy LP31 also applies:

"Policy LP31 – Custom and Self-Build Housing

1. Proposals for self-build and custom housebuilding will be supported where they respect local character and comply with other relevant policies in the plan...
2. The delivery of plots for custom and self-build housing will be secured by a planning condition or S106 agreement."

Three further sites have recently been granted permission for CSB housing in the village – Outline for 4no. plots between 70-80 Smeeth Road (25/00412/O), 1no. house NE of 100 Smeeth Road (25/00833/F and outline for 1no. dwelling adjacent to 80 Smeeth Road (25/01158/O).

So, in terms of numbers, the three-unit shortfall as identified in Appendix 1 has effectively been met.

The Neighbourhood Plan has chosen to not allocate any sites for residential development. Under Policy LP02 for windfall sites there is a limit of up to 5no. dwellings, so there is an overprovision on this site of 4 dwellings (albeit 1no affordable).

Being for CSB housing, any proposal would also need to comply with parts 1 and 2 of Policy LP31 above; the former relates to respecting the local character.

The proposal lies partially within and also adjoining the development boundary. The Parish Council however oppose the development as it is 'back-fill' or development in depth and would not respect or enhance local character (this is covered in more detail later in this report). This stance is cemented in the newly adopted Neighbourhood Plan. The weight previously attached

by officers to the benefits of additional CSB units to meet borough-wide need has now diminished by virtue of the new NP policy.

The proposal therefore fails to comply with Local Plan Policy LP02.

Form and Character:

The planning use of the site is agricultural land with additional fields to the NE and NW but housing to the other two sides – fronting Smeeth Road and Walton Road.

Marshland St James is predominantly characterised by linear frontage development centralised around the Hickathrift crossroad junction. The NP at Section 9: Design identifies character areas of the village (Figure 18) and Design Guidance and Codes produced. This site falls within CA3 – Edge of settlement and paragraph 77 states:

“77. There are two linear stretches along the Smeeth Road Character Area (CA1) which future development in CA3 should follow regarding linear development patterns.”

MSJ5: Design also states:

“A. All new development within CA1 and CA3 should preserve the linear development pattern of the current settlement, backland or estate development will not normally be acceptable...”

There is an argument presented by the agent that there are examples of development in depth in the locality – e.g. Hickathrift Field, Carter’s Field Way and old station yard, so the development of this site behind frontage development would not harm the character and appearance of the surrounding area. However, the NP is the most up-to-date planning policy and given significant weight.

The proposal therefore fails to comply with Policy MSJ5: Design of the NP and Local Plan Policies LP02, LP18 and LP21.

Impact on Neighbours:

Given the outline nature of the application, it is not possible to consider neighbour impacts in any great detail. However, it is considered that issues such as overlooking, overbearing and overshadowing could be suitably designed out at the reserved matters stage. There is adequate separation distance from adjacent dwellings adjoining the access road so as to not create significant amenity issues in accordance with Policy LP21 of the Local Plan.

Highways Impacts:

The application includes details of the access to be formed off Walton Road and the layout/configuration of the private driveway serving the dwellings.

The Local Highway Authority raises no objection to the proposal subject to certain conditions regarding implementation of the access in accordance with the submitted plan and driveway completed prior to occupation of any dwelling.

The application therefore could accord with the provisions of the NPPF and Policies LP13 & LP21 of the Local Plan.

Affordable housing:

The site area and number of dwellings proposed trigger the thresholds of Policy LP28 Affordable Housing of the Council's Local Plan.

At present a 20% provision is required on sites capable of accommodating 5 or more dwellings and/or 0.165ha in Marshland St James. The affordable housing provision is split into 70% of the affordable homes being made available for rent and 30% low-cost home ownership, including Shared Ownership, First Homes or any other intermediate product that meets the intermediate definition within NPPF, meets an identified need in the Borough and is agreed by the Council.

However, the NPPF states that affordable housing should not be sought on developments of fewer than 10 dwellings and/or 0.5ha other than in designated rural areas. On sites on 6-9 dwellings and less than 0.5ha, a financial contribution based on £71,000 per equivalent whole affordable dwelling will be sought.

In this instance as the site area (0.96ha) exceeds 0.5ha and 9 units are proposed, one built unit for rent and commuted sum of £56,800 towards off-site provision is required.

The applicants have committed to enter into a planning obligation to cover the above affordable housing contribution which is currently in preparation. This could therefore comply with Policy LP28 of the Local Plan.

Ecology:

The application includes an Ecological Impact Assessment produced by Glaven Ecology dated November 2024. This concludes that the proposed development would not pose a significant risk to protected species or habitats, however certain mitigation measures are suggested to further minimise any residual risk plus enhancements.

These conclusions and measures are agreed by our Senior Ecologist and may be secured via condition – including a LEMP and Ecological Design Strategy.

The application is also accompanied by a sHRA which has been adopted by the Council and concludes no significant harm/impact upon designated sites of conservation, beyond that from additional recreational pressure in combination with other housing development, which could be negated by a GIRAMS payment (currently £304.17 per dwelling).

This payment could have been secured as part of the Section 106 agreement, so the proposal could therefore comply with Policy LP23 of the Local Plan.

The proposal is for Custom & Self-Build dwellings, so it is exempt from Biodiversity Net Gain requirements.

Flood risk issues:

The application site is located within Flood Zones 2 & 3 of EA's mapping (2025). A Flood Risk Assessment was submitted with the application. The Environment Agency has no objection to the proposal, subject to mitigation measures being secured via condition (FFLs raised by 300mm above ground level and 300mm of resilient construction above FFLs).

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.

There are no other sites available for residential development of an equivalent scale within Marshland St James in a lower risk of flooding and therefore this proposal passes the sequential test.

The exception test also has to be applied as prescribed by Paragraph 178 of the NPPF and both parts must be passed. The mitigation measures suggested in the FRA indicates that the development could be made safe for its lifetime without increasing flood risk elsewhere.

Had the principle of the development been acceptable, this is would have been considered to be sustainable development given the borough-wide need for self-build housing identified above that would outweigh the flood risk implications. However, now given the conflict with the NP, the wider sustainability benefits to the community would not outweigh flood risk, so both parts of the exception test cannot be met.

The proposal therefore fails to comply with paragraph 179 of the NPPF 2024 and Local Plan Policy LP25.

Drainage:

The means of foul water disposal would be to the existing mains sewer. Whilst certain details of the connection/methodology have been forwarded to Anglian Water, concerns were raised regarding upstream capacity, but recent correspondence indicates that West Walton WRC is within acceptance parameters and can accommodate the flows from the proposed development.

This could however be secured as a pre-commencement and occupation condition consistent with a recent infill approval on Smeeth Road.

Surface water is to be disposed of using soakaways and potential into the drainage ditches adjoining the site. This would require consent from the IDB under separate legislation.

The proposal is capable of complying with Local Plan Policy LP21.

Specific comments:

The comments received from the Parish Council have been taken into consideration as part of this application. Obviously, the adoption of the Local Plan in the interim means that some of the policy references have been updated however their inference have been considered.

PLANNING BALANCE/CONCLUSION:

This is a finely balanced case; in its favour the proposal would provide CSB housing plots for which there is a borough-wide shortfall, plus an affordable dwelling and off-site contribution. It is situated within easy walking distance from the facilities that the village offers (school, community centre and church). There are other examples of development in depth around the recognised centre of the village at the Hickathrift crossroad junction and consolidating the built form would take pressure off extending linear development elsewhere. All other technical matters may be secured via condition.

Conversely the proposal is contrary to the provisions of the most recently adopted Neighbourhood Plan which discourages development in depth and would be out of character and contrary to Policy MSJ5: Design of the Neighbourhood Plan. The number of dwellings exceeds the limit of 5no. that is identified in windfall policy for a Rural Village.

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. This now constitutes the Local Plan and the Neighbourhood Plan – the latter of which is the most up-to-date planning policy.

Overall, the proposal is not considered to be acceptable and would fail to accord with Policy MSJ5 of the Marshland St James Neighbourhood Plan (2022-2038), Policies LP02, LP18, LP21, LP25 & LP31 and the provisions of the NPPF 2024. It is duly recommended for refusal.

RECOMMENDATION:

REFUSE for the following reason(s):

- 1 By virtue of the proposal comprising development in depth and the number of dwellings exceeding 5no. the development fails to accord with Policies LP02 and LP31 of the Local Plan (2021-2040) plus Policy MSJ5: Design of the Marshland St James Neighbourhood Plan (2022-2038) and the weight afforded to the provision of Custom/Self-Build plots does not outweigh the in principle objection.
- 2 The application site lies within Flood Zones 2 & 3 of the Environment Agency mapping and requires exception testing. Given the conflict with the provisions of the Marshland St James Neighbourhood Plan, this proposal does not provide wider sustainability benefits to the community that outweigh flood risk, so both parts of the exception test cannot be met.

The proposal therefore fails to comply with paragraph 179 of the NPPF 2024 and Policy LP25 of the Local Plan (2021-2040).