

PLANNING COMMITTEE

Date: 12th January 2026

SUMMARY OF ADDITIONAL CORRESPONDENCE RECEIVED SINCE THE PUBLICATION OF THE AGENDA AND ERRATA

Item No. 9/1(a) 25/00641/FM Page No. 16

Cllr Ryves: Makes the following comments:

1. *Per policy H3(4), what is the footprint of this development as a % to the plot area.*
2. *What weight should be given to the comments of Anglia Water, given that the scheme puts at risk the sewerage arrangements for the existing community.*

Makes reference to a legal case referred to in a Landmark Chambers blog post from 2019 and queries its relevance to this case, asking if a Grampian Condition can be applied and what the legal criteria for this would be.

Cllr Parish: Requested confirmation of Condition 29, noting that it should be plural given multiple dwellings proposed, and requested confirmation of the progress of the legal agreement.

Assistant Director's comments:

In response to Cllr Ryves, Policy H3(4) of the Neighbourhood Plan sets out that 'Dwellings should maintain adequate spacing and not appear cramped on the plot or in relation to neighbouring dwellings and their footprint should not normally exceed 40% of the plot area;'

Notwithstanding the fact that the policies include the word 'normally', which allows for some flexibility in approach, the new dwellings proposed each have a plot coverage of below the required 40%. For example (including parking areas where they immediately adjoin the dwelling), Plot 5 has a plot coverage of 36%, Plot 4 29%, Plot 2 34% and Plot 11 36%. This is fully in line with the requirements of policy. It is not practicable to measure the plot coverage of the converted school.

In so far as the comments on Anglian Water, given the separate legislation which sets out a right to connect following the grant of planning permission, the onus would be with Anglian Water to ensure that any necessary upgrades are made to the system to accommodate the additional flows associated with this development. The Agents have previously confirmed that the school, when operating, had a student capacity of 63, with an assumed staff level of 15 (teachers, headmaster, canteen staff, groundskeeper). This should be compared to an estimated occupancy of 2.4 persons per dwelling (average), i.e. 20 dwellings x 2.4 persons = 48 persons. The flows expected from the development at average capacity would therefore be lower than the extant fallback (excluding any consideration of timings of use, extensions to the school etc).

This occupation of the school and its existing drainage connection is a strong fallback position, and the capacity of the school could increase if permitted development rights were used. Any increase in flows from this development on the capacity of Heacham WWTC would not be significant and very limited weight has been given to Anglian Water's comments (which have not been backed up by evidence) as part of the recommendation.

Cllr Ryves has referred to a 2018 appeal decision by Gladman Developments Ltd in Herefordshire (understood to refer to PINS reference APP/W1850/W/17/3191991, although this is not confirmed within the blog post) which related to the refusal of a discharge of condition application.

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As an appeal relating to the refusal of a discharge of condition for an approved scheme which proposed 90 dwellings on open fields, this appeal is not comparable to this current application. It should also be noted that as part of that appeal, significant evidence was supplied to demonstrate an adverse effect on the SSSI/SAC/SPA. In contrast, no evidence has been provided by Anglian Water as part of this application, despite being given the opportunity to do so.

In regard to Cllr Ryves' questions on Grampian conditions, the imposition of a condition to restrict use of the dwellings until upgrades to the sewerage network take place would be considered a Grampian condition in planning law. A Grampian condition is a negatively worded condition which prevents a development from starting (or in some cases being occupied) until a specified event or works have been carried out on land which is not under the control of the applicant.

For such a condition to be legally valid, as well as meeting the standard tests for conditions set out within the NPPF, there must be a reasonable prospect of the action happening within the time limit of the planning permission. If a condition is not possible to achieve within the timeframe set out, then the condition would be invalid. The current advice in the PPG is that, generally speaking, Grampian conditions should not be used where there is no prospect of the action in question being performed within the time-limit imposed by the permission.

Whilst there may be circumstances where a Grampian condition would be appropriate to restrict commencement or occupation until the sewage network has been upgraded, given the circumstances of the site (discussed in depth within the Committee Report, and as above), it is not considered that a Grampian condition to control upgrades to the wider sewerage network has been demonstrated to be necessary in this case. Anglian Water have not provided any evidence to establish which upgrades must occur, nor have they been able to provide a reasonable timeframe for any works to take place. The imposition of a Grampian condition in these circumstances would be unreasonable and would not meet the relevant tests.

In response to Cllr Parish, the wording of Condition 29 has been amended as below.

The legal agreement is in the early stages of preparation and will progress when the committee resolution is finalised. If the committee is minded to approve the application as per the recommendation, this will, as set out in the Agenda, be subject to the agreement being finalised and therefore subject to affordable housing being secured.

CORRECTION

There is a typo on Page 33 (Paragraphs 1 and 2) of the Agenda under GIRAMS in relation to the GIRAMS tariff. The current fee is £304.17 per dwelling.

AMENDED CONDITION AND REASON

29 Condition: The dwellings hereby permitted shall not be occupied other than as Principal Dwellings and shall at no time be used, purchased or occupied as holiday lets, buy-to-lets or second homes.

29 Reason: To ensure the development accords with Policy H8 of the Sedgeford Neighbourhood Plan 2019.

Agent: Queried wording of Condition 20 and provided plan (DEW02.01.06) to confirm position of existing access.

Provided the following supporting statement:

'This supporting statement is submitted in relation to planning application 25/00118/F for the development of five-holiday lodges and three small cabins at Saxon Fields, located on the edge of Brancaster village. The proposal represents a modest and sensitively designed scheme that supports local employment and provides high-quality holiday accommodation within the village without reducing the existing housing stock.'

The application replaces an existing business approval for the site. The proposed holiday lodges will directly support the local economy by generating new employment opportunities for residents of Brancaster and nearby villages. The lodges will require ongoing cleaning and landscape maintenance, all of which will be delivered by local workers wherever possible. The applicant is committed to prioritising village-based businesses and individuals for these roles, providing consistent part-time and seasonal employment opportunities.

Brancaster and the wider West Norfolk Coast attract a significant number of visitors each year due to their exceptional natural landscapes. This proposal aims to offer high quality holiday accommodation within walking distance of Brancaster Beach and local amenities. As a small, low-density site, the development avoids saturating the market while still making a positive contribution to the village and its economy.

The proposed development has been carefully designed to respond to the character and constraints of the area. Scheduled Monument Consent has been granted. During the course of the application, revisions were made in response to consultee feedback to ensure that the proposal would not result in any unacceptable impacts on the amenity of neighbouring dwellings. These amendments have resulted in a scheme that is both archaeologically sensitive and neighbourly in its layout and scale.

A variation of the Scheduled Monument Consent has also been submitted in order to regularise the consent to reflect the revised scheme.

To support biodiversity and enhance the appearance while protecting archaeological sensitivity, all planting will be carried out using raised earth bunds rather than direct soil excavation to avoid any potential harm caused by the roots. The infrastructure of the site is proposed to be entirely permeable, allowing for the natural infiltration of surface water throughout the site.

One of the principal concerns raised by consultees related to the potential impact of the development on the existing dwellings to the west of the site, particularly in terms of the amenity of their occupants. Extensive discussions were undertaken with the CSNN team to address these concerns and to ensure that Historic England were satisfied with the proposed approach. Informed by their guidance, and by a report prepared by a professional noise consultant, the agreed mitigation measure is the installation of an acoustic fence to limit noise transmission towards neighbouring residential properties.

To ensure that this measure does not result in an unappealing visual impact, it is proposed that the acoustic fence be incorporated into an earth bund using spoil from the site, which is already proposed as part of the wider scheme. This approach will partially conceal the fence, provide structural support, and allow for planting along its length. The result is a visually integrated and sensitive solution that safeguards the amenity of neighbouring dwellings while also respecting and preserving the

archaeological significance of the site.

The application for holiday lodges at Saxon Fields presents an opportunity to support Brancaster's local economy by creating sustainable jobs and encouraging visitor spend within village businesses. The proposal concords with relevant local & national planning policy and is presented to the committee with officer recommendations to approve. It will result in a well-designed scheme that will aim to support the local economy and we respectfully request that planning permission be granted.'

Parish Council: NO OBJECTION to the application.

Assistant Director's comments:

In so far as Condition 20, the exact position of the existing access is noted. Condition 20 can be amended to clarify that no additional access points should be created (i.e. through demolition of the frontage wall) and to confirm that details are required of the 'making good' of the new widened opening.

The supporting statement is noted and does not raise any new points.

AMENDED CONDITION AND REASON

20 Condition: Vehicular/pedestrian/cyclist access to and egress from the adjoining highway shall be limited to the proposed access shown on Drawing No. DEW02.01.04 only. The existing boundary wall shall be made good in accordance with a detailed scheme to be agreed with the Local Planning Authority prior to the bringing into use of the new access, or otherwise in accordance with a timeframe to be agreed in writing.

20 Reason: In the interests of highway safety in accordance with the NPPF and Policy LP13 of the Local Plan and to ensure a satisfactory external appearance in the interests of the locality in line with Policy LP21 of the Local Plan.

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Agent: Provided a supporting statement as follows:

"This statement supports the retrospective planning application for the timber boundary fence erected on the existing brick and carrstone wall at Tower Farm. It explains the context, heritage considerations, mitigation measures, and the applicant's willingness to accept conditions to address any concerns.

Site and proposal summary

Proposal: Retrospective permission is sought for a timber boundary fence mounted behind the rear an existing brick and carrstone wall, with a maximum overall height of 2.77m.

Planning and Heritage Context

Heritage setting: The site lies within the immediate setting of a listed building and the visual relationship between boundary treatments and the heritage asset is a material planning consideration. The retrospective nature of the application requires the council to assess any harm to the listed building's setting and whether that harm can be mitigated or justified by other material considerations.

Justification and Material Considerations

- *Privacy and security: The fence was installed to provide enhanced privacy and security for the occupants and their young family and to reduce disturbance from the adjacent road which is trafficked by high cabbed vehicles that are able to see directly into the rear private garden of the property. These are legitimate planning considerations to be balanced against heritage impacts.*
- *Non-destructive installation: The timber panels are fixed to the existing wall; the original brick and carrstone fabric remains in situ and has not been removed or replaced.*
- *Current screening is provided by sporadic natural planting which is being supplemented to provide better screening however this will take time to establish and provide the effective means of privacy to the rear garden.*
- *Reversibility and finish: The timber is a reversible, non-permanent treatment that can be altered, stained, or removed without permanent loss to the wall once a suitable natural screening has been established.*

Mitigation and proposed remedial measures

To reduce any visual or heritage impact and to secure a positive planning outcome, the applicant proposes the following measures:

- *Finish: Stain the timber in a muted, heritage-appropriate tone with a matte finish to reduce visual prominence.*
- *Softening planting: Plant native hedging and/or climbers along the roadside face to soften the appearance within three planting seasons and provide long-term screening.*
- *Targeted reduction: Where feasible and without compromising security, reduce the height of selected fence sections by up to 0.3 m to improve sightlines toward the listed building.*
- *Management and review: Accept a condition requiring a five-year maintenance and management plan for the planting, with a short review period (e.g., 12–24 months) to allow the council to assess effectiveness and require reasonable adjustments if necessary.*

Summary

On balance, the fence responds to genuine privacy and security needs while being reversible and capable of mitigation to protect the setting of the nearby listed building. The absence of objection from the Parish Council supports the view that the development is acceptable in local terms. The applicant respectfully requests that the council committee give due consideration and grant retrospective planning permission subject to any relevant conditions to ensure the heritage asset's setting is preserved and privacy needs of the owner are met.”

Assistant Director's comments:

Whilst privacy concerns are understood, the private benefit provided by the fencing in this regard does not outweigh the harm to the character of the area and setting, including the historic fabric of Tower Farm. As the wall itself has no historic value, the fact that the fence installation is non-destructive is of limited relevance to the determination of this application.

It is appreciated that supplementary planting may provide screening in future, however the current fencing is unacceptable. It is considered that any staining or painting of the timber would not aid in the appearance of the fencing to a suitable degree. The suggestion of a reduction in sections of 0.3m would not likely improve the appearance of the fencing, giving it a fragmented appearance further out of character with its setting. The application is therefore required to be determined as submitted.

Parish Council: The Parish Council submits the following comments for the above application, and asks that these are considered by the Planning Committee on the 12th January.

The Parish Council encourages enterprise and supports delivery of new services within the village as part of its Neighbourhood Plan, Policy 11 – Local Community Infrastructure Priorities. The Parish Council therefore supports the application in accordance with the conditions set out in the Agenda Document for the Planning Committee regarding volumes of traffic movement and hours of operation.

Should the application be passed for approval the PC requests a temporary consent for 6-12 months to ensure the applicant adheres to said conditions and no further activities are run from the property which would cause noise disturbances within the hours of operation.

It is important to note that the area of grassland directly in front of the property is designated village green and should not be used for parking.

Arboricultural Officer: Following verbal comments, the following written representation was received from the Arboricultural Officer.

I have reviewed the change of use application for the domestic garden building to be used as a Pilates studio. The site contains two mature oak trees protected by Tree Preservation Order 1995 No.13 (North Wootton), reference 2/TPO/00349. These trees form part of Group G1, a historic line of oak trees along Manor Road.

The existing dwelling, access arrangements and use of the area to the front of the property have already had a noticeable impact on the health of the oak tree closest to the frontage. This is evident in the current condition of the crown, including sparse foliage and the presence of dead branches. The area to the front of the property is already gravelled and subject to regular vehicle movements, and this has clearly resulted in soil compaction within the Root Protection Area of the tree.

While the proposed change of use is unlikely to introduce a fundamentally different type of activity, an increase in the intensity of use of this area, particularly for vehicle movements and parking to the north of the tree, is likely to exacerbate existing pressures on the tree's rooting environment. Soil compaction reduces pore space within the soil, restricting oxygen and water availability to roots, which in turn can accelerate decline in mature trees already under stress.

Given the existing situation and historic approvals, I do not raise an objection in principle to the proposal.

However, it would be appropriate for the applicant to be advised to seek arboricultural advice to explore whether mitigation measures could be implemented to improve growing conditions for the retained oak tree. This may include measures such as soil decompaction, vertical mulching, or other interventions aimed at reducing compaction and improving soil aeration and moisture availability within the affected area. It is also likely that the tree will require ongoing, sensitive management, including selective pruning, to help manage its declining condition in the longer term.

If this proposal is likely to be approved, please add an informative based on my comments above.

Third Party: ONE additional letter of objection raising the following points:

While planning permission has been sought only for a small pilates studio, the reality of the business being promoted and already operated under the name LUCO Wellness / LUCO Nourish is far more extensive, commercial, and intensive than the application suggests.

The planning application describes a small pilates studio. However, the business's own marketing material (website and Instagram) demonstrates a multi-faceted commercial wellness venue, including:

1. Multiple daily classes (up to six on some days) with classes starting as early as 6 am,
2. Corporate wellness days,
3. Hen and group events,
4. A wellness suite described as "spa-like",
5. Promotion of an organic café, and
6. Reference to outdoor amenities including a swimming pool.

This is not consistent with what a reasonable person would consider a small pilates studio. Instead, it represents a destination wellness and hospitality business, with significantly higher footfall, traffic, and intensity of use.

Assistant Director's comments:

The Parish Council comments are noted and other than parking on the village green, which is a civil matter, are covered in the report and by condition.

The main report thoroughly covers the issues raised by both the Arboricultural Officer and the Third Party. However, if considered necessary the suggested informative could be added to the decision notice if the application is approved.

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Parish Council: The Upwell Parish Council Planning Group continue to support the barn conversion & extensions as per the original application. However, the Planning Group objects to the temporary caravan/mobile home element for accommodation until the following is confirmed. The Planning Group believes that the caravan/mobile home fails to comply with the Caravan Siting Act 1968 - Section 13 Mobility & Construction Tests, which define the structure as a caravan/mobile home. Plans/drawings appear to show a more permanent design structure. The Planning Group has concerns that upon completion of the barn conversion, the caravan/mobile home will remain as ancillary accommodation/holiday let or other use, given its location close to the pond.

Agent: Photographs and plans submitted which clearly demonstrate that the caravan is a twin unit and was assembled on site in two pieces. This therefore proves that the caravan is capable of being separated at a later date and removed from site. The caravan is also less than 20m in length, 6.8m in width and 3.05m internal ceiling height.

The caravan on site therefore meets the transport, size and construction criteria as defined within The Caravan Act 1968.

To confirm, we are applying for the caravan to remain as temporary accommodation for the applicants to live on site during construction. Following completion of the build, the caravan is to be removed.

Assistant Director's comments:

As stated above, the agent has confirmed that caravan/mobile home is a twin unit and conforms to the definition of a 'caravan' in terms of size and mobility. The retention of the caravan/mobile home as holiday accommodation/holiday let or other use would require separate planning permission. Had the proposal been supported, its removal upon completion of the build could have been secured via condition.