

AGENDA ITEM NO: 9/2(d)

Parish:	Stoke Ferry Wretton	
Proposal:	Retention of existing structures for agricultural use and retention of earth bund	
Location:	Chalk Pit Farm Lynn Road Stoke Ferry King's Lynn PE33 9SW	
Applicant:	Country Contractors (Norfolk) Ltd	
Case No:	25/01758/F (Full Application)	
Case Officer:	Mrs C Dorgan	Date for Determination: 31 December 2025 Extension of Time Expiry Date: 5 March 2026

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

Neighbourhood Plan: Yes

Case Summary

The application seeks retrospective planning consent for the 'retention of existing structures for agricultural use and retention of earth bund' at Chalk Pit Farm on Lynn Road. The site falls within the parish of Wretton but is located on the approach to the village of Stoke Ferry. Access is via an existing vehicular access off Lynn Road.

The site lies approximately 300m from the development boundary of Stoke Ferry on land designated as open countryside in the adopted Local Plan. Stoke Ferry (the closest settlement) is categorised as a Key Rural Service Centre in Policy LP01 of the Local Plan.

The site lies between a former quarry to the northeast and a former landfill site to the northwest.

Key Issues

- Site History and Principle of Development
- Highways / Access
- Form and Character
- Neighbour Amenity
- Ecology
- Contamination
- Drainage and Flood Risk
- Other material considerations

Recommendation

APPROVE

THE APPLICATION

The application seeks retrospective planning consent for the 'retention of existing structures for agricultural use and retention of earth bund' at Chalk Pit Farm on Lynn Road. The site falls within the parish of Wretton but is located on the approach to the village of Stoke Ferry. Access is via an existing vehicular access off Lynn Road.

The site lies approximately 300m from the development boundary of Stoke Ferry on land designated as open countryside in the adopted Local Plan. Stoke Ferry (the closest settlement) is categorised as a Key Rural Service Centre in Policy LP01 of the Local Plan.

The site lies between a former quarry to the northeast where there is an agreed restoration plan for that site, and to the northwest is a former landfill site. The landfill site is now vegetated and appears as countryside in the landscape.

The structures include three steel corrugated agricultural sheds with steel containers (painted grey) between each. The ridge height of the middle shed (labelled as covered stock yard) is at 5.6m (and 2.8m to the eaves). The other covered stock yard to the north has a ridge height of 5m, and the storage shed to the south has a ridge height of 3.9m. The bund is to the south of these structures, in line with the access and is approximately 1.5m in height at the highest point, stretching to 27m in length and 10m in width. The bund is the result of the applicant having levelled the yard area. To the south east of the structures is a yard which has been used for the storage for vehicles.

The application site has been used by the landowners temporarily to store vehicles and telecommunications equipment; however they state that this was only a temporary use and the site is being cleared. Prior to this the site was historically grassland (agricultural in use) and included the shared vehicular access to the chalk pit to the rear. At the time of the last visit to the site (February 2026) the covered stock yards were filled with hay bales. They are also in the process of purchasing cattle, for the business registered as Beefys Livestock.

The application was submitted following discussions with the Planning Enforcement Team and it was advised the use of the site should be regularised in the form of a planning application.

APPLICANT/AGENT SUPPORTING CASE

A reaction to Environmental Quality Officer's response is to question the 'current use' and 'proposed use' referred to. As far as we are concerned, there is no change of use being applied for. The 'current use' is agricultural land and the application is for the retention of existing structures for agricultural use. The only thing that's changed since the report is the placing of the structures on the site. The earth bund was formed from soil on the site, which we accept involved some minor work, but as can be seen from the bund, there was no contaminating material found and underlying is the natural chalk. None of this work was in the 'filled' part of the old chalk pit.

The applicants inform me that the proposed use is purely agricultural, the type of structures hardly lend themselves to anything different. The equipment currently on site is for sale as part of a previous business in telecoms cabling, which is no longer required and the site is being gradually cleared now. The applicants have just secured deals to purchase hay straight from the fields next year and will therefore need storage for it. They are also in the process of preparing to purchase cattle which will live in one of the sheds.

In response to the Parish Council comments, the land is owned by Country Properties and was rented to Country Contractors. The farm business is Beefy's Livestock, which rents from the parent company. In reality, these businesses are all owned by Hayley and Andrew Judge-Grief. A search of Gov UK companies will find Beefy's Livestock Ltd. with registered address at Chalk Pit Farm and business description as 'mixed farming'.

PLANNING HISTORY

16/00993/CM: Application not required: 21/06/16 - COUNTY MATTERS: Discharge of conditions 21 and 23: Continued mineral extraction until 5 April 2012 - Quarry (landfill) Site South of A134 Lynn Road Stoke Ferry

2/99/0386/CM: Application Permitted: 26/08/99 - Continuation of mineral extraction and landfill until 20 August 2005 - South Side of A134 Lynn Road

2/99/0388/CM: Application Permitted: 26/08/99 - Continuation of mineral extraction until 5 April 2006 - The Gravel Pit South Side of A134 Lynn Road

05/02067/CM: Application Permitted: 31/10/05 - Continued mineral extraction and landfilling until 5 April 2012 - Quarry(Landfill) Site

05/02066/CM: Application Permitted: 09/11/05 - Sorting of recyclable materials with retention of existing storage buildings - Stoke Ferry Landfill(South) Adjoining A134 Lynn Road

05/02063/CM: Application Permitted: 09/11/05 - Continued mineral extraction until 5 April 2012 - Stoke Ferry Landfill (north) Adjoining A134 Lynn Road Stoke Ferry

2/96/0553/CM: Application Permitted: 09/07/97 - Determination of conditions attached to Planning Permission ref: DM1343 dated 27 September 1957 - Off Lynn Road

2/94/0469/CM: NO OBJECTION TO NCC APP: 16/05/94 - County Matters Application: Continued mineral extraction landfill and crushing of brick and concrete rubble without complying with conditions 1 & 2 of planning permission 2/92/2007 - The Gravel Pit

RESPONSE TO CONSULTATION

Wretton Parish Council: OBSERVATIONS

There has been concern from residents in Wretton regarding the number of bonfires at this site. The site is also in very close proximity to the A134. Is waste being brought to site to be disposed of? A retrospective Biodiversity report that was conducted a year after work began at this site does not show a true impact of the biodiversity that has been lost as a result of this development. We would like to see the continued support and improvement to the native trees and hedgerows to mitigate the loss that has occurred. The application would suggest that the use of this site is in relation to Civil Engineering, not Agriculture. This would indicate Industrial/Commercial activity. Are there any associated HGV movements going through the village of Stoke Ferry? The site is also not hidden from view as the application would suggest. Roof structures and associated fencing are visible from Lynn Road and Field Lane, in Wretton.

Highways Authority: NO OBJECTION

Having visited the site and examined the submitted information, in terms of highway considerations for the adopted road network, there is no objection to the principle of the application.

Environmental Health & Housing – Environmental Quality: NO OBJECTION subject to conditions

To clarify the position regarding Part 2A of the Environmental Protection Act 1990 and Planning legislation and guidance, as there previously had been confusion. The report produced by the borough council was to assess if the land was contaminated land as defined by Part 2A.

Part 2A sites are judged on if there is 'significant possibility of significant harm' (EPA 1990, Part 2A). For planning permission, sites are judged on if there is enough information to determine the site would be 'suitable for its proposed use' (NPPF, paragraph 196a&c). The planning threshold for contamination is different from Part 2A and more conservative.

The site with its previous use has been determined not to be contaminated land under part 2A meaning there has not been significant possibility of significant harm for its use at the time of writing the report. As the way parts of the site are being used has changed to potentially a more sensitive end use, and as material on site has been moved, the site would require further assessment as stated in the report:

“This assessment is based on site's current use and is valid providing no changes are made to the soil or vegetation cover material, to surface water conditions, to the site's use, or if the Environment Agency indicate that the site is a source of significant water pollution. No further assessment of the Stoke Ferry Pit site is considered necessary under Part 2A unless additional information is discovered or if changes are made to the site.”

If further Part 2A assessment determined the site not to be contaminated land under Part 2A, it would not necessarily mean it would meet the threshold of 'suitable for proposed use' under planning, as that is a lower threshold and therefore more protective.

Therefore, if a site is investigated and the report finds it to be suitable for its proposed use through planning, it “should not be capable of being determined as contaminated land under Part 2A of the Environmental Protection Act 1990” (NPPF, paragraph 196b).

Hopefully that clears up the legislative context and reason why more information is required in this case. It is considered reasonable to require the information by condition, but this must be provided within a reasonable timescale. If the applicant would like to discuss the scope of further investigation to meet the conditions requirements, they can contact this team to discuss.

Ecologist: NO OBJECTION subject to conditions

The following documents have been submitted in support of this application and are relevant to these comments:

Statutory Metric (Lucy reed (Greenlight Ecology, 05/02/2025)

Biodiversity Net Gain Assessment (Greenlight Ecology, 05/02/2025)

The Biodiversity Net Gain information shows a 72.79% net loss in area habitat. No information has been provided which suggests how this loss will be compensated. The applicant must show a measurable net gain in biodiversity in accordance with the duty on

every development under the NPPF. This should be through area habitat measures. Until then the proposals cannot be supported.

Officer Note: Further verbal discussion with the Ecologist established that this information could be submitted via condition.

Minerals and Waste Authority: NO COMMENTS

The site is not on a Mineral Safeguarding Area, nor does it fall within the consultation area of any existing mineral site or waste management facility, or the consultation area of any allocated mineral extraction site. Therefore, Norfolk County Council in its capacity as the Mineral and Waste Planning Authority has no specific comments on this site.

Internal Drainage Board: NO COMMENTS

Having screened the application, the site in question lies outside the Internal Drainage District of the King's Lynn Internal Drainage Board as well as the Board's wider watershed catchment, therefore the Board has no comments to make.

REPRESENTATIONS

A Stoke Ferry Parish Councillor commented –

The applicant is listed as "Country Contractors (Norfolk) Ltd", described on Companies House as -

- 42990 - Construction of other civil engineering projects not elsewhere classified
- 52290 - Other transportation support activities

But this application is for "retention of existing structures for agricultural use and retention of earth bund".

Maybe I am missing something but what is the intended use of the steel buildings? I do not remember seeing livestock or any farming activity on this site. I also wonder if this part of the site was included in the landfill that the original site was used for. Would this effect contamination? I also cannot see how the foul sewerage is to be disposed of it states "other" but not what it will be.

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)

LP07 - The Economy (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)

NEIGHBOURHOOD PLAN POLICIES

Policy SF4: Design and Character

Policy SF14: Prot and Enh Nat Feat and Sp

NATIONAL GUIDANCE

National Planning Policy Framework (NPPF)

Planning Practice Guidance (PPG)

National Design Guide 2021

PLANNING CONSIDERATIONS

The main considerations are:

- Site History and Principle of Development
- Highways / Access
- Form and Character
- Neighbour Amenity
- Ecology
- Contamination
- Drainage and Flood Risk
- Other material considerations

Site History and Principle of Development:

The application site is adjacent to and includes the vehicular access for the former quarry, to the northeast of the application site. This has ceased operation and as part of the planning permission it was specified that the after-use of the whole area was for agriculture. Looking at historic maps the land appears as agricultural prior to the quarry works. The Council are satisfied that the use of the land prior to the current development was agricultural. As such the use of the land for agriculture is not development. It is the erection of the structures and the engineering works of the bund which are considered development and require planning permission. It may have been that the structures could have fallen within permitted development rights and an application could have been made for prior notification (subject to criteria), however given the development has already taken place the applicant is unable to benefit from permitted development rights.

On the purchase of the site by the current landowners, the site was temporarily used for the storage of equipment and vehicles for a commercial use. The Enforcement Team were made aware of this use in 2024. However, alongside this temporary use the structures have sheltered sheep/lambs at different times. On visiting the site in February 2026, the site has largely been cleared of the commercial equipment and the covered stock yards are filled with hay bales. The applicant has stated that the site will be used for agriculture only.

The NPPF in paragraphs 88 and 89, and Local Plan Policy LP07, both seek to support rural enterprise and enable the growth and expansion of business in rural areas. As such, the construction of buildings to support agriculture is acceptable in principle.

It is not considered necessary to condition the site for agricultural use only as any alternative uses (such as commercial storage) would require planning consent in their own right.

The lawful use of the site is established for agricultural purposes, and in terms of the principle of development the structures and bund are appropriate to this use. The development is in accordance with the NPPF and Local Plan Policies LP01, LP02 and LP07, and Neighbourhood Plan policy SF09.

Highways / Access:

Access to the site is via an existing well established vehicular access off Lynn Road and no alterations are proposed. The Local Highway Authority has no objections to the development and does not request any conditions are attached to any consent. The development is in accordance with the NPPF, Local Plan Policies LP13, LP14 and LP21 and Neighbourhood Plan policy SF07.

Form and Character:

Paragraphs 135 and 187 of the NPPF and Local Plan Policies LP18 and LP21 seek to protect the landscape, recognising the character and beauty of the countryside. As well as ensuring that developments function well and are sympathetic to local character and history.

A detailed description of the development is provided above.

The structures are clearly agricultural in purpose and in terms of size and scale are entirely appropriate to their use. Furthermore, the bund created does shield the visibility of the structures from the south to some extent. The recently constructed bund is covered in vegetation in the form of planting/ brambles. Given the surrounding land forms including the former pit, the existing bund to the rear of the structures, as well as the existing bunds either side of the A134 to the north, the bund is not alien in the landscape. However, the site is partially visible from both the A134 and the Lynn Road. While the structures are utilitarian, this reflects their use and these are typical of agricultural development within the open countryside. As such the development is viewed in the wider landscape and is not an alien feature. The development is in accordance with the NPPF, Local Plan Policies LP18 and LP21 and Neighbourhood Plan policy SF04.

Neighbour Amenity:

The closest residential neighbour is approximately 300m away from the application site to the southeast, separated by an agricultural field. Given the scale of the development and the separation distances between, it is not considered likely that the development would have a detrimental impact on the residential amenity of neighbouring dwellings. This is subject to the appropriate management of waste and drainage on the site, given the existing/ proposed livestock. There have been no complaints raised with the Community Safety and Neighbour Nuisance Team to date regarding the livestock. The development is in accordance with the NPPF and Local Plan Policy LP21 subject to conditions.

Ecology:

Given this is a retrospective planning application, there is not a requirement for 10% Biodiversity Net Gain. Notwithstanding this, in line with paragraph 187 of the NPPF, the

development is required to provide a net gain to Biodiversity through ecological enhancement.

The applicant has submitted a Biodiversity Net Gain Assessment and Metric. This identifies that historically the land was an area of grassland and so in its current form there has been a loss in biodiversity. The applicant is required to secure a positive contribution to biodiversity as a result of the development. Wretton Parish Council also wish to see the continued support and improvement to the native trees and hedgerows to mitigate the loss that has occurred.

The Ecologist has stated that the ecological enhancement could be secured (in the form of new trees for example) via condition, and therefore conditions are attached to secure a scheme and to secure the implementation of this. On this basis the development as proposed is in accordance with the NPPF, Local Plan policy LP20 and Neighbourhood Plan policy SF14.

Contamination:

Historically, investigative contamination work has been carried out on a wider site area (which includes the application site) in order to satisfy the obligations under the Environmental Protection Act 1990. The report assessed whether there was significant possibility of significant harm to a receptor (human health, environment, controlled waters, property) from the current use of the site at the time of writing that report. The report identified the site was acceptable.

However, in determining a planning application it is necessary to consider contaminated land as a material planning consideration, and as such the Council should assess whether 'a site is suitable for its proposed use taking account of ground conditions and any risks arising from land instability and contamination'. (NPPF, 196a). The proposed use does not only consider the use class under planning, but also how the site will physically be used, so that all the potential exposure pathways between on and off-site contamination and all sensitive receptors are assessed. This represents a higher threshold than that considered under the Environmental Protection Act.

Section 196c of the NPPF states: 'Planning policies and decisions should ensure that: adequate site investigation information, prepared by a competent person, is available to inform these assessments.'

As a result of the development of the structures and the earth bund further investigative work is required to confirm that the site remains suitable for its proposed use. The Environmental Quality team requires that conditions are attached to the planning consent to secure this additional investigative work. Given this is a retrospective consent, the conditions attached require the information is submitted in writing and agreed within 3 months of the date of determination of the application. That said it is considered that there is a low risk with the required conditions in place, and as such the Environmental Quality Officer does not object to the development on this basis.

Subject to the specified conditions being in place, the development is in accordance with the NPPF and policy LP21.

Drainage and Flood Risk:

The application site lies within Flood Zone 1, and as such is at the lowest risk of flooding. In terms of drainage, no details have been provided to date. The site lies outside of the catchment area for the IDB. In terms of the surfacing of the application site, this remains

permeable at the current time. However, the site is to be used for livestock on a permanent basis and the applicant does need to provide the Council with drainage and waste details for the site. This would secure the appropriate management of waste disposal and run off from the site, to prevent pollution of the surrounding land and amenity issues for the locality. Accordingly, a condition is attached to the planning consent and the proposal (subject to this condition) is in accordance with the NPPF and Local Plan policy LP21.

Other matters requiring consideration prior to the determination of this application:

- Policy LP06 requires that developments recognise and seek to address the challenges of climate change. However, given the nature of the development there is little the applicant can do to address this. The development, by its nature, is within the open countryside with limited opportunities to minimise travel or utilise sustainable transport methods. The structures are fit for purpose and it would be unreasonable to request that these encompass energy efficiency measures or solar panels for example. However, the conditions attached to the scheme would ensure that any outstanding contamination concerns are addressed. There will also be planting/ landscaping provided to meet the requirement for ecological enhancements.
- Complaints received regarding bonfires on the site have been passed to CSNN and Environmental Quality to consider.
- Comments received from the Minerals and Waste Authority (Norfolk County Council) confirm that the application site is outside of any Mineral Safeguarding Area and is outside of any existing mineral site, mineral extraction site or waste management facility. As such the Authority has no comments to make.

CONCLUSION:

The use of the site for agriculture is lawful. The structures for agricultural purposes and the provision of a bund are of a scale and visual appearance commensurate to this use and is acceptable in the rural landscape. Given the distance to residential properties, there are unlikely to be significant issues related to amenity as a result of the development subject to the submission of waste management and drainage details, and the implementation of these. Finally, conditions are proposed to ensure that in terms of contamination the site remains suitable for its use. Conditions are also attached to secure the ecological enhancement on the site required by the NPPF. In conclusion, the development proposed is considered, subject to the conditions set out above and below, is in accordance with the NPPF, Local Plan policies LP01, LP02, LP06, LP07, LP13, LP14, LP18, LP19 and LP21, and Stoke Ferry Neighbourhood Plan policies SF04, SF07, SF09, and SF14 and is thereby recommended for approval.

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, Drawings no's -
 - 14859 LOCATION PLAN received 04 Nov 2025
 - 14859 SITE AND LOCATION PLAN received 04 Nov 2025
 - 14860 ELEVATION AND LAYOUT PLAN received 04 Nov 2025

- 1 Reason For the avoidance of doubt and in the interests of proper planning.
- 2 Condition Within 3 months from the date of this permission, an investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:
 - (i) a survey of the extent, scale and nature of contamination
 - (ii) an assessment of the potential risks to:
 - human health,
 - property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
 - adjoining land,
 - groundwaters and surface waters,
 - ecological systems,
 - archaeological sites and ancient monuments;
 - (iii) an appraisal of remedial options and proposal of the preferred option(s).
- 2 Reason To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.
- 3 Condition Should site investigations recommend remediation of the site, a detailed remediation scheme should be submitted to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of land after remediation.
- 3 Reason To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.
- 4 Condition The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of groundworks, other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out

must be produced, and is subject to the approval in writing of the Local Planning Authority.

- 4 Reason To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.
- 5 Condition Within 2 months of the date of this decision notice full details of the waste management arrangements, including the drainage details for the site, shall be submitted to the Local Planning Authority for approval in writing.

Within 3 months of the date of the details approved in writing by the Local Planning Authority, the waste management arrangements and drainage arrangements shall be implemented fully in accordance with the details agreed and maintained in accordance with those details thereafter.

- 5 Reason For the avoidance of doubt and to safeguard the amenities of the locality in accordance with the NPPF.
- 6 Condition Within 3 months of the date of decision an Ecological Design Strategy shall be submitted to the local planning authority for approval in writing. The strategy must be submitted with accompanying calculations, demonstrating a measurable net gain in Area Units calculated using the Statutory Metric, including information about how the habitat will be established, secured and monitored for at least 30 years and the mechanism to achieve it.
- 6 Reason In order to ensure the development does not result in the loss of habitat and to enhance biodiversity on the site in accordance with Paragraph 174 of the NPPF and Local Plan Policy LP20.
- 7 Condition Within 3 months of the date of the details approved in writing by the Local Planning Authority, the Ecological Design Strategy shall be implemented in accordance with the details agreed and thereafter retained in a suitable condition to serve the intended purpose.

A 'statement of good practice' shall be signed upon completion of the enhancement by a competent ecologist and evidence of delivery, and be submitted to the Local Planning Authority, confirming that the specified enhancement measures have been implemented in accordance with good practice upon which the planning consent was granted'. Measures shall be implemented in full and the habitats maintained thereafter.

- 7 Reason In order to ensure the development does not result in the loss of habitat and to enhance biodiversity on the site in accordance with Paragraph 174 of the NPPF and Local Plan Policy LP20.