

## AGENDA ITEM NO 9/1(d)

<b>Parish:</b>	<b>Tilney St Lawrence</b>	
<b>Proposal:</b>	<b>SELF-BUILD - Proposed 3no. plots</b>	
<b>Location:</b>	<b>Land North of 37 Church Road Tilney St Lawrence Norfolk PE34 4QQ</b>	
<b>Applicant:</b>	<b>Mr J Blyth</b>	
<b>Case No:</b>	<b>25/01775/O (Outline Application)</b>	
<b>Case Officer:</b>	<b>Helena Su</b>	<b>Date for Determination: 22 December 2025 Extension of Time Expiry Date: 30 May 2026</b>

**Reason for Referral to Planning Committee** – At the instruction of the Planning Committee Sifting Panel.

**Neighbourhood Plan:** No

### **Case Summary**

This application is an Outline application, with all matters reserved, for the development of three self-build and custom dwellinghouses along Church Road in the Parish of Tilney St Lawrence. The site lies approximately 430m from cross junction of Church Road, St Johns Road, Magdalen Road, School Road.

Tilney St Lawrence, combined with Terrington St John and St John's Highway, is classified as a Tier 4 (Key Rural Service Centre) settlement under Policy LP01 of the Local Plan 2021-2040.

### **Key Issues**

- Principle of development
- Form and character
- Impact on neighbour amenity
- Highway safety
- Flood risk and drainage
- Any other matters requiring consideration prior to determination of the application

### **Recommendation:**

**REFUSE**

## **THE APPLICATION**

This application is an Outline application, with all matters reserved, for the development of three self-build and custom dwellinghouses along Church Road in the Parish of Tilney St Lawrence. The site lies approximately 430m from cross junction of Church Road, St Johns Road, Magdalen Road, School Road.

Tilney St Lawrence, combined with Terrington St John and St John's Highway, is classified as a Tier 4 (Key Rural Service Centre) settlement under Policy LP01 of the Local Plan 2021-2040.

The site comprises approx. 0.25ha of uncultivated grade 2 agricultural land and lies on the western side of Church Road. In all directions, the site is surrounded by agricultural fields and paddocks, with sporadic residential development, focussed to the western side of Church Road.

It lies well beyond the defined village boundary by 350m, and is in Flood Zones 2, 3a and Tidal Hazard mapping zone.

Outline planning permission has also been sought on the sites directly to the south and north of the application site. Each of these sites is in separate ownership. The outline application to the south (reference 25/01752/O), proposing two dwellings, was refused on the grounds of principle of development and harm to form and character of the countryside setting, and for failing the exception test in relation to flood risk.

The outline application to the north (reference 25/01749/O) is also before Members at this Planning Committee for determination. The recommendation for application 25/01749/O is to refuse.

## **APPLICANT/AGENT SUPPORTING CASE**

The agent has submitted the following information in support of the proposed development:

Policy LP02 of the Local Plan establishes a presumption in favour of development within defined settlement boundaries, and, where sites fall outside, supports proposals that are adjacent to those boundaries and meet specified criteria. While the application site does not lie within, or directly adjoin, a defined development boundary, it is nonetheless located within a clearly established residential frontage along Church Road. The site is physically and functionally related to existing built form, and does not represent isolated or sporadic development in the open countryside.

The underlying purpose of directional housing policies, including LP02, is to safeguard the character and appearance of the countryside and to promote sustainable patterns of growth. In this instance, the proposal comprises residential development within an already established residential context. As such, the visual and landscape impact will be negligible, with the development read as a natural continuation of the existing built form. The proposal therefore accords with the overarching aims of the policy, and it is reasonable to conclude that it complies with the spirit and intent of LP02 by virtue of its sustainable location and close relationship to existing development.

A further material consideration of significant weight in this case is the delivery of self-build dwellings. The Council's Custom and Self-Build Position Statement (May 2025) identifies a substantial shortfall of 162 plots across the Borough, demonstrating a clear and pressing unmet demand.

National policy also provides strong support. Paragraph 73 of the National Planning Policy Framework 2024 emphasises the role of small sites and requires authorities to support self-build housing. In addition, the Levelling-up and Regeneration Act 2023 and associated 2024 Regulations strengthen the duty to meet this demand, with only self-build permissions counting toward supply. Given the current shortfall, this carries significant weight in decision-making.

When considered in the round, the site's sustainable location, its integration with existing development, and the absence of any material harm align with the objectives of local and national policy. The provision of these self-build plots represents a clear public benefit, directly contributing to meeting an identified and evidenced housing need. This benefit should weigh heavily in favour of the proposal and, when balanced against the limited policy conflict arising from the site's position outside the defined boundary, is sufficient to justify a favourable determination.

Finally, the agent has worked proactively with the Local Highway Authority throughout the application process. Agreement has been reached to deliver a new footpath, providing a safe and direct pedestrian link to the village centre. This improvement will be secured via a condition of any planning approval and a Section 278 Agreement and is supported by the Highway Authority, further reinforcing the site's sustainability credentials and the benefits for both new and existing residents of the village.

## **PLANNING HISTORY**

2/04/0411/O: Application Refused: 14/04/04 - Site for construction of dwelling

2/95/0553/O: Application Refused: 13/06/95 - Site for construction of dwellinghouse

## **RESPONSE TO CONSULTATION**

### **Parish Council: SUPPORT**

Will enhance the character of the area.

### **Local Highway Authority:**

*Initial comments on 21 November 2025 -*

It is noted that this outline application is submitted as an all matters reserved at this stage. Having reviewed the plans, it is anticipated that private points of vehicle access with parking facilities could ultimately be achieved in accordance with the NCC adopted guidance Safe, sustainable Development subject to detail.

However, where we do have concern, is in relation to the accessibility to the site for pedestrians. Having visited the site it is apparent that Church Road is without continuous footway provision leading to the site. There is a footway 160m to the south on the opposite side of the road, but residents of this application site would be forced to first compete for space in the live unlit carriageway or walk on the verge, which can be wet and mudded.

In addition the National Planning Policy Framework (NPPF) supports through section 9 Promoting sustainable transport & para 117, in particular points to the need to 'give priority first to pedestrian and cycle movements' and 'so far as possible - to facilitating access to

high quality public transport, with layouts that maximise the catchment area for bus or other public transport services, and appropriate facilities that encourage public transport use'...

Sustainable transport policies are also provided at a local level through Norfolk's 3rd local transport plan Connecting Norfolk - Norfolk's Local Transport Plan 4 Strategy for 2021 2036. Policy 5 of this document states "We will work with partners to inform decisions about new development ensuring they are well connected to maximise use of sustainable and active transport options'... Policy 6 is also relevant in that it states 'We will work with the development community and local stakeholders to ensure greener transport solutions are embedded in land-use planning to significantly reduce traffic generation by private car'.

It is therefore the view of the Local Highway Authority that the application as submitted does not provide safe access for pedestrians in accordance with the recommendations of the NPPF and planning policies.

It is however evident that the existing highway verge is of sufficient width to facilitate the construction of a footway link from and across the development site frontage then to the existing provisions found the other side of the culver to the south. We therefore recommend that the applicant be asked to provide a revised plan which indicates that a footway link would be provided to mitigate the highway concern.

It is hope that such a provision will be provided. However, in relation to the application as submitted we recommend the following Holding recommendation for refusal.

*Updated comments on 23 April 2026 -*

The LHA can confirm that they have had correspondence with the agent for the two applications (25/01749/O and 25/01775/O) and the attached reflects an agreed in principle scheme that addresses our previous concerns and would remove the recommended holding objection, on the basis that the footway is then provided.

So that the plots are not sold independently and the footway realisation becomes problematic, at this All Matters Reserved stage, the LHA would recommend that conditions be applied to both applications.

**Historic Environment: NO OBJECTION** subject to pre-commencement conditions.

The proposed development site lies in an area rich in archaeological remains. A short distance to the northeast lie the cropmarks of a moated medieval site known as Broughton's Manor, while to the northeast, east and southeast are the cropmarks and earthworks of two Roman road. Medieval pottery has been recovered from fields to the west, northwest and east, while Roman pottery has been recovered from ta field a short distance to the northwest. There are two significant concentrations of medieval pottery and other items to the north and to the south. Consequently, there is potential that heritage assets with archaeological interest (buried archaeological remains) will be present at the site and that their significance will be adversely affected by the proposed development.

If planning permission is granted, we therefore ask that this be subject to a programme of archaeological mitigatory work in accordance with National Planning Policy Framework, Ministry of Housing, Communities & Local Government (2024) para. 218.

**Internal Drainage Board:** Consent may be required under Byelaw 3 and 10.

**Environment Agency: NO OBJECTION**

We have no objection to the proposed development but strongly recommend that the mitigation measures proposed in the submitted Flood Risk Assessment (FRA), referenced ECL1620-2/SWANN EDWARDS ARCHITECTURE and dated SEPTMBER 2025, are adhered to. In particular, the FRA recommends that:

- Finished floor levels will be set no lower than 0.5m above existing ground levels.
- Flood resilient / resistant measures will be incorporated into the development up to 300mm above finished floor levels.
- All sleeping accommodation on the first floor.
- The occupiers of the dwellings should register to receive flood warnings.

**Anglian Water: NO OBJECTION**, with suggested pre-commencement drainage condition and informatives.

#### Section 2 (Wastewater Treatment) and Section 3 (Used Water Network)

When assessing the receiving water recycling centre's (WRC) dry weather flow (DWF) headroom we take the latest Q90 DWF figures, as verified by the Environment Agency, and add sites with planning consent to this. Based on the above assessment, West Walton WRC is within the acceptance parameters and can accommodate the flows from the proposed growth.

The sewerage network at present has available capacity for the anticipated foul flows. If the developer wishes to connect to our sewerage network they should serve notice under Section 106 of the Water Industry Act 1991. We will then advise them of the most suitable point of connection.

#### Section 4 (Surface Water Disposal)

The preferred method of surface water disposal would be to a sustainable drainage system (SuDS) with connection to sewer seen as the last option. Building Regulations (part H) on Drainage and Waste Disposal for England includes a surface water drainage hierarchy, with infiltration on site as the preferred disposal option, followed by discharge to watercourse and then connection to a sewer. From the documents submitted, there are no confirmed details of how surface water will be discharged. There are no designated public surface water sewers within the vicinity of the proposed development, and surface water must not connect to a designated public foul sewer. Therefore, Anglian Water will be unable to serve the sites surface water disposal requirements. Anglian Water request a condition is applied.

**Norfolk Constabulary - Secured by Design:** Offered advice on how to provide a secure design. Full comment on public access dated 10 November 2025.

**Ecology Officer: NO OBJECTION** subject to conditions and informative.

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

- Ecological Impact Assessment (EIA) (Glaven Ecology, October 2025)

The applicant claims an exemption from biodiversity net gain under the self-build and custom build exemption, which is not controversial. However, every development has a duty under the NPPF to deliver a net gain in biodiversity irrespective of an exemption from biodiversity net gain. The EIA recommends 3 bird boxes, 3 bat boxes and a diverse species mix for any grassland. This alone is unlikely to deliver a net gain given the loss of mature hedgerow for access and the loss of grassland under the footprint of the building.

The EIA states that there is scope to include mixed native hedgerows along the site boundaries. This recommendation should be followed through to ensure a gain is achieved. Created hedgerows could be planted with trees to account for some of the area habitat lost. To ensure proposals will deliver a net gain in biodiversity and not result in a net loss I recommended that an Environmental Design Strategy is conditioned and this should include the recommendation made here and within the EIA.

The proposals will result in increased overnight accommodation which triggers GIRAMS and so a sHRA should have been submitted and the tariff paid.

Assuming the above is resolved, the Ecologist has no objection to the proposed development.

**Arboricultural Officer: NO OBJECTION** subject to condition.

Subject to appropriate landscaping at reserved matters stage, the Arboricultural Officer raise no objection in principle.

The site on the western side of Church Road is currently defined along its frontage by a long established but unmanaged hedgerow. The submitted arboricultural assessment reasonably identifies the hedgerow as lapsed and neglected, with gaps and limited management in recent years.

The indicative layout shows three detached dwellings with access taken through this old hedgerow. This will necessitate partial removal of the frontage hedge and, in practice, it is likely that an entirely new boundary treatment would be established as part of any future development. While I raise no objection in principle to the proposal at outline stage, it will be important to ensure that the rural character of Church Road is retained.

At reserved matters stage, I would expect a detailed landscaping scheme to accompany the submission. This should include a comprehensive planting plan and proposals for the establishment of a new, robust native hedgerow along the frontage to provide a continuous green boundary appropriate to this rural setting. The creation of a strong green frontage will be essential to integrate the development into the landscape and to preserve the character of the western side of Church Road.

Subject to appropriate landscaping at reserved matters stage, the Arboricultural Officer raise no objection in principle.

**Emergency Planning Officer:** Because of its location in an area at risk of flooding I would suggest that the occupiers:-Should sign up to the Environment Agency flood warning system (0345 988 1188 or

[www.gov.uk/flood](http://www.gov.uk/flood) )- A flood evacuation plan should be prepared (more details at [www.gov.uk/flood](http://www.gov.uk/flood) ):

- o This will include actions to take on receipt of the different warning levels.
- o Evacuation procedures eg isolating services and taking valuables etc
- o Evacuation routes

## **REPRESENTATIONS**

**One OBJECTION** comment.

- This application is one of several applications for similar self-build dwellings.
- Too many accesses being created on Church Road to facilitate these applications.

- No objection to the idea of new homes by the number of houses being requested and attempt to create densely packed homes which do not take into account the local character of old workers cottages, Victorian and Georgian homes and some newer dwellings.
- Would be a shame for Church Road to lose its unique rural feel which is dependent on the variety and styles of housing interspersed with fields and trees.
- Over development of the site and impact on the access road.

**Cllr Barry Ayres:** (Referring to application refs: 25/01749/O, 25/01775/O & 25/01752/O)

"May I reinforce Mr Blyth's comments the area in question is an area with modern LED footway lights, the village has extensive amenities, both in this village and in nearby Terrington St John. The area was originally the site of cottages and barns, and the land has not been farmed for over 100 years although this is of little concern as the area in question is relatively small. The whole area is at present untidy, unfarmed and the existing hedgerow is in a very poor state, in my opinion the whole area would benefit greatly from this diverse development, and would only serve to enhance the street scene, and improve the overall appearance of Church Road and the village as a whole."

## **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)

**LP03** - Neighbourhood Plans (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)

**LP20** - Environmental Assets- Historic Environment (Strategic Policy)

**LP21** - Environment, Design and Amenity (Strategic Policy)

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

**LP30** - Adaptable & Accessible Homes (Strategic Policy)

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

## **NEIGHBOURHOOD PLAN POLICIES**

### **NATIONAL GUIDANCE**

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

### **OTHER GUIDANCE**

### **PLANNING CONSIDERATIONS**

**The main considerations are:**

- Principle of development
- Form and character
- Impact on neighbour amenity
- Highway safety
- Flood risk and drainage
- Any other matters requiring consideration prior to determination of the application

#### **Principle of Development:**

This is an Outline application for three self-build and custom plots for dwellings. All matters are reserved for later consideration, but the indicative plan shows three similar sized plots fronting Church Road with individual access points which would create breaks in the existing hedge line.

Section 38(6) of the Planning and Compulsory Purchase Act 2004 and paragraph 48 of the NPPF requires that applications for planning permission be determined in accordance with the development plan unless material considerations indicate otherwise.

Tilney St Lawrence, combined with Terrington St John and St John's Highway, is classified as a Tier 4 (Key Rural Service Centre) settlement under Policy LP01 of the Local Plan 2021-2040.

Under Policy LP02 of the Local Plan, in Tier 4 settlements as defined by Policy LP01, proposals for new residential development outside of, but adjoining development boundaries, as defined on the Policies Map, will be supported provided they comply with other relevant policies of the development plan, and meet the criteria set out under Part 1 of this Policy, as well as the following criteria:

- a. It respects or enhances the character of the adjoining settlement and countryside, and can be readily assimilated into the existing fabric of the adjoining built up area; and
- b. It can be supported by existing and future service and infrastructure provision, or adverse effects can be mitigated through financial contributions towards improving provision; and
- c. It is not located within the boundary of the Norfolk Coast National Landscape, and would not adversely affect its setting; and
- d. It preserves or enhances the significance of nearby heritage assets and their settings, and protects and enhances the appearance and character of designated and valued landscapes; and

e. It would maintain the physical separation between existing settlements and protect their identity.

A similar application was considered by the Planning Inspectorate (appeal reference APP/V2635/W/25/3375160; planning reference 25/00400/O) (attached as an appendix to this report), for an Outline application for up to five dwellinghouses on a site which adjoins the development boundary of Terrington St John. Although that appeal site lay close to the settlement boundary, the Inspector concluded that its development would conflict with Policy LP02 due to its position in relation to that boundary. The Inspector also found that the introduction of five dwellings into a gap that contributes positively to the area's verdant character would cause unacceptable harm. On this basis, the appeal was dismissed. This decision should be afforded significant weight in determining the current application, as both sites relate to the same development boundary and raise comparable policy considerations, plus the development plan has primacy given that it is a recently adopted plan.

The site is located approximately 350m from the development boundary of the village and therefore does not adjoin it. Development in this location would result in material harm to the character and appearance of the area. Although no details of appearance, scale, or layout have been provided, the principle of developing this site would interrupt a long, open stretch of Church Road, consolidating residential built form within the countryside. The potential introduction of a footpath would further urbanise the rural character.

The development would fail to comply with part 1a and 2a of policy LP02 of the Local Plan 2021-2040.

Paragraph 83 of the NPPF states that housing should be located where it will enhance or maintain the vitality of the rural communities. The Planning Agent has demonstrated that a footpath could be provided to the west side of Church Road. Subject to details to be submitted and agreed by the Local Highway Authority, future occupiers could access provisions such as shops, schools, public transport, which can be found within the village. The development of this site for three dwellings has not been justified in line with paragraph 83 and moderate weight is afforded to this.

From 1st April 2024 the Council can demonstrate 7.9 years' worth of housing supply and as of 26th March 2025, the Council can demonstrate 80 per cent housing delivery. At the present time, the Council have a shortage of self-build and custom sites.

The NPPF explains in footnote 28, that the Self-Build and Custom Housebuilding Act 2015 (as amended recently by the LURA), places a legal duty "to give enough suitable development permissions to meet the identified demand. However, this does not mean development is automatically granted but would be afforded weight when determining the application. In this instance 'some' weight is given to this matter.

Furthermore, Policy LP31 of the Local Plan supports proposals where they respect local character and comply with other relevant policies in the plan. Self-build and custom dwellings would have to be secured via legal agreement.

Therefore, whilst the potential of three self-build and custom dwellings in this location would be afforded weight, this does not outweigh the policies within the Local Plan. The site would be located in an unsustainable location and result in harm to form and character of this countryside setting as per policies LP02, LP18 and LP21 of the Local Plan and the NPPF.

## **Form and Character:**

Policies LP18 and LP21 ensure that development in the borough is of high quality, conserving and enhancing the amenity of the wider environment, by supporting development which is sympathetic to the local setting and pattern of adjacent streets, including spaces between buildings, through high-quality design and use of materials.

Furthermore, LP31 of the Local Plan 2021-2040 supports custom and self-build dwellings where they respect local character and comply with other relevant policies in the plan.

This is reiterated in paragraph 135 of the NPPF which states that planning decisions should ensure development will function well and add to the overall quality of the area for its lifetime, are visually attractive, sympathetic to local character and history, maintain a strong sense of place, optimise the potential of the site, and create safe, inclusive and accessible places.

Finally, paragraph 187 of the NPPF seeks to ensure planning policies and decision should contribute and enhance the natural and local environment by protecting and enhancing valued landscapes and recognise the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services.

As an Outline application, full details regarding design have not been submitted. Based on the indicative site plan, three detached dwellings are proposed fronting the road, within consistent sized plots.

This area is located within The Fens - Settled Inland Mashes within the Landscape Character 2007, characterised by large scale, low-lying landscape, offering a sense of openness and a moderate to strong sense of tranquillity.

Church Road is characterised by loose knit ribbon development heading north out of the village from the crossroads junction towards the A47. The road has a predominantly verdant character, with mature trees and hedgerows lining both its eastern and western sides.

Residential development on the western side of the road comprises a Georgian farmhouse, converted traditional barns, plus a more contemporary bungalow and house just north of the bridge. Beyond this small cluster, and to the rear, there are open fields mostly set behind established roadside hedging and odd trees. This is reflected on the eastern side of the road which is more open in character with larger detached dwellings set within substantial mature landscaped grounds adjoining agricultural and paddock land.

Travelling northwards there is more consolidated linear/frontage development on both sides of the road continuing up to the Church.

Church Road is therefore characterised by loose knit ribbon development heading north out of the Tilney St Lawrence.

The application site lies in the middle of a gap along the west side of Church Road, which measures approximately 140m wide between a two-storey dwellinghouse (No 37 Church Road) and a bungalow (53 Church Road). The site is currently defined along the frontage by a long established, but unmanaged hedgerow.

The development of this site for three dwellings, with undeveloped land to the north and south, would unduly erode the countryside setting, creating a fragmented countryside appearance heading out of the village by consolidating residential development in the centre of the existing gap. The urbanisation of this rural setting would be further exacerbated by the provision of a proposed footpath along the western side of Church Road, which would measure approximately 190m in length.

The Arboricultural Officer commented that whilst the indicative layout shows three detached dwellings with access taken through the existing hedgerow, the reality is that a new hedgerow would have to be established as part of any future development. Whilst the Arboricultural Officer has no objection in principle to the loss of the hedge, they have requested conditions for landscaping details, which is a matter reserved for a later application.

Notwithstanding the removal and potential future planting of a hedgerow to the front boundary, the development of the site, in the middle of this gap, with undeveloped land immediately to the north and south, would disrupt and erode the rural countryside setting, further urbanising the character of Church Road by consolidate the domestic and residential appearance in this location, contrary to the rural character, and obstructing open views to the fen landscape. The provision of landscaping would not mitigate the harm caused by the construction of three dwellings. As such the proposal would be contrary to policies LP18, LP19 and LP21 of the Local Plan and the NPPF.

Furthermore, the Planning Inspector in the appended appeal decision at Paragraph 14 states:

"Although not one of the exceptions listed in Policy LP02 of the LP, whether the proposal would comprise infill development is a question of planning judgement based on an assessment of the site and its surroundings. I consider that infill development is normally associated with the completion of an otherwise substantially built-up frontage. Whilst it is not disputed that the appeal site is flanked by built form, the appeal site comprises a wide, open gap between the two properties, interspersed with areas of mature vegetation. There are notable gaps between properties located on the eastern side of School Road and consequently, the proposal would not consolidate and otherwise substantially built-up frontage."

As described above in this section, there are substantial gaps along the western side of Church Road and this proposal alone, or combined with the additional parcels/sites, would not constitute infill as defined by the Inspector above.

#### **Impact on Neighbour Amenity:**

The closest neighbours to the site would be No 37 Church Road approximately 45m to the south and No 53 Church Road approximately 52m to the north.

Based on the indicative plans, it is considered there could be sufficient distance to limit impacts to neighbours in respect to overlooking, shadowing and being overbearing due to the plot sizes to comply with policy LP21 of the Local Plan 2021-2040.

This would, however, be subject to the details of a further reserved matters application.

## **Highway Safety:**

Access is a reserved matter, but the indicative layout plan shows three independent access points to serve the plots. In creating appropriate accesses and visibility splays this would require substantial hedge removal and cutting back. This would have a significant impact upon the appearance of the site and its countryside setting.

Policy LP14 of the Local Plan 2021-2040 sets out the number of parking spaces expected for the number of bedrooms. Parking and turning space could meet current standards within the plots and would ultimately be addressed at any reserved matters stage.

The Local Highway Authority (LHA) initially objected to the application stating the development of the site would fail to promote sustainable transport modes, comprising the safety of pedestrians, who would be forced to compete for space in the live carriageway or walk on the verge, which can be wet and mudded. Church Road is without continuous footway provision leading to the site. There is a footway approx. 180m to the south on the opposite side of the road.

Following their initial comment, the Planning Agent has stated that there is a commitment between the landowners of this to install a footpath connection up to this, and the neighbouring sites, considered under planning reference 25/01749/O. No agreement has been submitted for the Council to review. However, this would be a legal matter between the relevant parties. The Planning Agent has provided an updated plan showing the extent of the footpath. The LHA have considered this to be acceptable subject to conditions for the exact details of the footpath provision to be submitted and for the footpath to be installed prior to occupation of the dwellinghouses. Had the application been recommended for approval, the conditions would have been considered acceptable.

Notwithstanding, the addition of the footpath provision would have an urbanising effect with further detrimental impact upon the character and appearance of the countryside.

As the LHA has raised no objection in principle to the inclusion of the footpath, the proposal, subject to conditions would have been considered acceptable when considering policies LP06, LP13 and LP18 of the Local Plan and the NPPF.

## **Flood Risk and Drainage:**

The site lies within Flood Zones 2 and 3a and Tidal Hazard mapping zone. The application is accompanied by a site-specific Flood Risk Assessment which indicates mitigation measures raising Finished Floor Levels by some 500mm above existing ground levels plus 300mm of flood resilient construction above FFL.

The development is located within Flood Zone 2 and 3, sequential and exceptions testing in line with the NPPF is required. It is for the Local Planning Authority 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 other sites currently available for residential development of an equivalent scale within Tilney St Lawrence in a lower risk of flooding. An outline application for four self-build and custom dwellings was approved along Magdalen Road in Tilney St Lawrence (planning reference 25/00276/O). The Planning Practice Guidance (PPG) advises that in order for a site to be considered 'reasonable available', the site would be capable of accommodating the proposed development and does not need to be owned by the Applicant. At the time of

writing, the plots approved along Magdalen Road were advertised for sale on Rightmove.com. This site is in a location with lower flood risk. The proposal therefore fails the sequential test.

As the proposal fails the sequential test, the exception test set out in paragraph 178 of the NPPF is not required to be carried out.

Regarding drainage, Anglian Water confirmed that the site falls within the catchment area of West Walton Water Recycling Centre (WWWRC) which currently has capacity to accommodate the proposed growth. Anglian Water raised some concern regarding the surface water disposal. Had the application been recommended for approval, it would have been appropriate to include a prior to commencement condition for foul and surface water drainage details.

To conclude, having failed the sequential test the proposed development fails to comply with paragraph 173 of the NPPF and Local Plan policies LP06, LP18 and LP25.

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

#### *Historic Environment:*

The Historic Environment Team identified that the site is in an area which is rich in archaeological remains. To the northeast of the site lies the cropmarks of a moated medieval site known as Broughton's Manor. To the northeast, east, and southeast are the cropmarks and earthworks of two Roman road. Medieval pottery has been recovered from fields to the west, northwest and east, while Roman pottery has been recovered from a field a short distance to the northwest. There are two significant concentrations of medieval pottery and other items to the north and to the south.

The Historic Environment Team have therefore requested a schedule of conditions, which the Agent has agreed to. Had the application been recommended for approval, this would have complied with LP20 of the Local Plan 2021-2040.

#### *Ecology and Biodiversity Net Gain:*

The application is for self-build and custom dwellings. In order to secure the site as self-build and custom dwellings, a unilateral agreement is required. The application was not accompanied by a Planning Obligation Statement to secure the site for self-build and custom builds. Had this been provided, the application could have been considered exempt from providing Biodiversity Net Gain (BNG) under Schedule 7A of the Town and Country Planning Act 1990.

Notwithstanding the above, of providing 10 per cent biodiversity net gain, development has a duty to deliver gain under the NPPF.

The application was supported by an Ecological Impact Assessment (EIA). Ecological enhancements include the provision of 3 bird boxes, 3 bat boxes and a diverse species mix for any grassland. The Ecologist considered that these factors alone are unlikely to deliver a net gain given the loss of mature hedgerow for access and the loss of grassland under the footprint of the building. However, gain could be provided by including mixed native hedgerows along the site boundaries. Had the application been approved, a condition for an Environmental Design Strategy was requested by the Council's Ecologist.

Whilst the site falls within the Brecks, Wash, and Norfolk Coast Zone of Influences, it is not within close proximity to these zones and therefore a bespoke appropriate assessment is not required. The development proposes a net of three dwellinghouses. As such a mitigation fee of £315.58 per dwelling (from 1 April 2026) would be required to be paid to offset recreational impacts to Zones of Influence (Zols) (a total of £946.74). No payment has been made to offset the recreational impacts to these zones.

#### *Climate Change:*

All development shall recognise and contribute to the importance of, and future proofing against, the challenges of climate change and to support the transition towards meeting the Government target of becoming a net zero economy by 2050 as outlined in Policy LP06 of the Local Plan. The development could be made sustainable with the provision of a footpath which would offer a sustainable means of connection for future occupiers and surrounding neighbours back to the village to access services and facilities in a more sustainable manner.

## **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 is located outside of the development boundary of Tilney St Lawrence and contrary to the Council's strategic strategy with regard to the provision of windfall residential development in tier 4 settlements being in with adjoining the development boundary. Some weight is afforded to the self-build and custom nature of the development when considering the planning balance as the Council does not have an adequate supply of self-build and custom housing. There could also be some benefit associated with the addition of a footpath along this road frontage linking the land to the defined village.

Notwithstanding this, the adverse impact of the proposal when considering the impact upon the character and appearance of the countryside and erosion of a significant gap between pockets of housing, is considered to outweigh the positive contribution that the granting of three self-build and custom dwellings and a footpath along Church Road. Significantly, the proposal also fails the Sequential Test with regards to Flood Risk. The granting of the proposal is considered to cause significant and demonstrable harm and should therefore be refused in accordance with the development plan.

It is therefore recommended the Members refuse the application under Local Plan policies LP01, LP02, LP06, LP13, LP18, LP19, LP21 and LP31 and provisions of the NPPF.

## **RECOMMENDATION:**

REFUSE for the following reason(s):

- 1 Policy LP02 of the Local Plan 2021-2040 supports residential windfall development subject to meeting the criteria. Tilney St Lawrence is a Tier 4 settlement. The site lies well outside the defined development boundary of Tilney St Lawrence and therefore does not adjoin the development boundary. Moreover, the proposed development would result in the consolidation of, and erosion of a significant gap between the currently sporadic rural housing along Church Road.

Notwithstanding the Council's current lack of deliverable Custom & Self-Build housing sites, the adverse impacts upon the character of the surrounding area would significantly and demonstrably outweigh the benefits of three additional homes in the borough. The proposal is therefore contrary to the provisions of the NPPF and Policies LP01, LP02, LP06, LP13, LP18, LP19, LP21 and LP31 of the Local Plan (2021-2040).

- 2 The site is located in Flood Zone 3a and a Tidal Hazard mapping area as identified by the Council adopted Strategic Flood Risk Assessment (SFRA) 2018 and Environment Agency's updated flood map. There are other available sites in Tilney St Lawrence for a similar quantum of housing in an area of lower flood risk. The proposal would therefore fail the sequential test and would not meet paragraph 173 - 177 of the NPPF and policies LP06, LP18 and LP25 of the Local Plan 2021-2040.
- 3 The application is accompanied by a shadow Habitat Regulations Assessment which has been adopted by the Council. This indicates that there is a potential for effects on protected Habitats Sites from cumulative recreational pressures from new housing development in the borough. However, this can be mitigated by a GIRAMS payment (currently £315.58 per dwelling). The quantum of development is defined but there is no mechanism in place to secure this GIRAMS payment, so the proposal fails to accord with Policies LP19 & LP23 of the Local Plan.