

AGENDA ITEM NO.9/1(a)

Parish:	Wiggenhall St Germans	
Proposal:	Retention and continued use of existing workshops	
Location:	The Workshop At 159 Fitton Road Wiggenhall St Germans Norfolk PE34 3AY	
Applicant:	Mr Mario Daloia	
Case No:	25/02010/CU (Change of Use Application)	
Case Officer:	Helena Su	Date for Determination: 28 July 2026 Extension of Time Expiry Date: 10 September 2026

Reason for Referral to Planning Committee – Deferred from 27 July 2026 Planning Committee. Referred to Planning Committee by Sifting Panel.

Neighbourhood Plan: No

Members Update -

Members will recall that this application was deferred from the 27 July 2026 Planning Committee in order for further information to be sought on the existing use of the building and clarification to the wording of conditions 2, 3 and 5, related to operational hours, submission of a management scheme and flood evacuation plan.

Furthermore, the National Planning Policy Framework (NPPF) had been updated on 17 August 2027. Changes to policy considerations are outlined within the report.

Updates made to this report can be seen in bold throughout.

Case Summary

This application is for the retention and continued use of a workshop at 159 Fitton Road in the parish of Wiggenhall St German. No building operations are proposed as part of the application.

The application site is approximately 0.21ha in size, located to the east side of Fitton Road, and approximately 441m from the junction of Fitton Road and The Granary which is located to the south. The site lies within the Parish of Wiggenhall St Germans but is closer in proximity to Wiggenhall St Mary Magdalen.

Key Issues

Planning History
Principle of Development
Form and Character
Impact on Neighbour Amenity
Highway Safety
Contamination
Flood Risk

Recommendation:

APPROVE

THE APPLICATION

This application is for the retention and continued use of a workshop (Use Class E(g)(iii)) at 159 Fitton Road in the Parish of Wiggshall St Germans, which is classified as a Tier 5 settlement under policy LP01 of the Local Plan 2021-2040. The site lies approximately 1.4km from the development boundary of Wiggshall St Germans and 780m from the development boundary of Wiggshall St Mary Magdalen.

The application site is approximately 0.21ha in size, located to the east side of Fitton Road, and approximately 441m from the junction of Fitton Road and The Granary which is located to the south.

At the time of the site visit, the site comprised a single storey 'T' shape building finished in metal sheeting and brickwork. Along the site boundaries was an approximate 1.8m closed boarded fence along the north, west, and south boundaries, and an approximate 1m closed boarded fence along the east boundary.

The site is located in a limited row of residential dwellings, with agricultural fields beyond. The site is immediately south of a two-storey dwelling and north of a shared access track to the agricultural field to the east.

The Planning Statement states that the buildings are used as a carpentry workshop involving small-scale joinery, fabrication and woodworking activities, storage of materials, hand tools, machinery, and completed/part-completed items prior to dispatch. The Statement considers that the activities are small in scale - typical of a local trade business and operated by a limited number of personnel. However, no specific details of the number of personnel have been provided.

Moreover, in an email sent by the Planning Agent in March 2026, they confirmed that the hours of operation are 8am - 5pm Monday to Friday, 8am - 12pm on Saturday, and no hours on Sunday and Bank/Public Holidays.

Based on these details, Officers consider the workshop to fall within Use Class E(g)(iii) (light industrial processes).

SUPPORTING CASE SUBMITTED BY THE APPLICANT/PLANNING AGENT

None submitted.

PLANNING HISTORY

20/00604/PACU5: Prior Approval - Refused: 07/07/20 - Prior notification of a change of use from Light Industrial (Class B1(c)) to dwelling house (Class C3) - Schedule 2, part 3, class PA (Delegated)

20/01300/LDE: Not Lawful: 13/09/23 - Certificate of Lawfulness: use of buildings for carpentry workshop/storage purposes (Delegated)

20/00001/UNAUTU (APPEAL DISMISSED - ENFORCEMENT NOTICE UPHELD)

2/87/0543/CU/F: Approved 07/05/87: Temporary approval until 31 May 1992: Change of use of disused farm building to workshop for the construction of sectional timber panels. (Delegated)

RESPONSE TO CONSULTATION

Parish Council: OBJECT with summarised comments:

- Residential amenity - Concerns about noise, dust and disturbance to nearby homes, likely need for Local Exhaust Ventilation under H&S rules.
- Highway safety - Worries about increased traffic on Fitton Road, unsuitable unmade access track, past HGV movements, and the site being within a 7.5 tonne weight restricted area.
- Area character - Fear that workshop activity could change the rural character, especially if operations expand.
- Environmental impacts - Questions over waste management, asbestos roof damage, disposal of wood waste, and doubts about the claim of no hazardous materials.
- Building condition - Buildings considered structurally unsuitable for business use and vulnerable to flooding.
- Planning history - Previous refusals and a dismissed appeal reinforce long-standing concerns about the site.
- Future precedent - Worries that required upgrades (e.g., LEV, environmental/HSE compliance) could pave the way for further industrial development in a rural residential/agricultural area.
- Community consultation - Belief that the community has not been adequately consulted, with engagement differing from earlier applications.

Highways Authority: NOT AGAINST THE PRINCIPLE OF DEVELOPMENT. Suggest that the access be upgraded and that the use of the site be conditioned accordingly.

Environment Agency: NO COMMENT.

Emergency Planning Officer: Because of its location in an area at risk of flooding and in line with best practice in business continuity, suggest that the occupiers:

' Should sign up to the Environment Agency flood warning system (0345 988 1188 or www.gov.uk/flood)

' Install services at high levels to avoid the impacts of flooding

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' A flood evacuation plan should be prepared (more details at www.gov.uk/flood):

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

Environmental Health & Housing - Environmental Quality: NO OBJECTION to contaminated land.

Community Safety and Neighbourhood Nuisance (CSNN): Recommends conditions related to hours of operation, and a noise, dust and waste management plan.

REPRESENTATIONS: FIVE letters of **OBJECTION** comments. Comments summarised as:

- Question site address.
- Inconsistent supporting statements - i.e flood risk assessment for commercial and residential use.
- The applicant states the proposal involves industrial/commercial activity, which conflicts with the land's agricultural status.
- Claims that workshop use has been "ongoing" are false; no lawful use has existed since 1992.
- Activities since 2019 have included vehicle dismantling, noise, burning materials, not carpentry.
- Statements about minimal noise and no disturbance are untrue; neighbours report significant impact.
- The site's appearance has been substantially altered (PVC windows, bright roof, tree removal, fencing, lighting).
- Question applicant's intention of developing the site for residential/commercial use.

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

LP06 - Climate Change (Strategic Policy)

LP07 - The Economy (Strategic Policy)

LP13 - Transportation (Strategic Policy)

LP18 - Design & Sustainable Development (Strategic Policy)

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

LP21 - Environment, Design and Amenity (Strategic Policy)

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

NATIONAL PLANNING POLICY FRAMEWORK (NPPF)

DM3 - Determining development proposals

DM6 - Use of planning conditions and obligations

DM7 - Relationship with other regulatory regimes

DM8 - Unauthorised development and enforcement

S3 - Presumption in favour of sustainable development

S5 - Principle of development outside settlements

EN4 - Rural business development

P3 - Living conditions and pollution

CC2 - Mitigation of climate change

CC3 - Adaptation to climate change

TR3 - Locating development in sustainable locations

F4 - Assessing flood risk for decision-making

F6 - Development in areas at risk of flooding from rivers or the sea

F7 - Ensuring development is safe from flooding

NATIONAL GUIDANCE

Planning Practice Guidance (PPG)
National Design Guide 2021

PLANNING CONSIDERATIONS

The main considerations are:

- Planning History
- Principle of Development
- Form and Character
- Impact on Neighbour Amenity
- Highway Safety
- Contamination
- Flood Risk

Planning History:

In 1987, temporary permission was granted to change the use of an agricultural building to a carpenter's workshop until 31 May 1992, at this site, under planning reference 2/87/0543/CU/F. Temporary consent was granted to enable the Local Planning Authority (LPA) to retain control over the development in the interest of the amenities of the locality.

Based on the evidence submitted under planning reference 20/01300/LDE, enforcement reference 20/00001/UNAUTU and comments made by third parties, the carpentry use continued until 2019 and ceased around this time. The site was then occupied by a different owner and the use changed to the dismantling and selling of car parts, with a residential element, by virtue of the siting of a caravan in the building.

An enforcement notice was served on the owner of the site. The stated breach of planning control was "Without planning permission, the material change of use of the Land and building to use for residential purpose, including the siting of a caravan for residential purpose".

This enforcement notice was upheld at appeal and the Inspector stated that the site should: permanently cease the use of the land and building for residential purposes; permanently remove from the land and building, the residential caravan and other structures and residential paraphernalia integral to or part of the unauthorised change of use (including vehicle and vehicle parts); and to restore the land and building to their condition before the unauthorised material change of use took place by permanently removing windows on the south and east elevations, removing timber cladding from the east wing of the building, removing a stud wall, removing the timber closed-boarded fence enclosing the site and removing all materials and debris.

In the closure checklist, Enforcement confirmed that these works were carried out to the satisfaction of the LPA. The timber fence, however, remained in situ as the LPA considered there was a legitimate fall-back position for the fence and that insisting on its removal would be punitive and inappropriate, as the LPA would not defend the removal of the fence in the magistrates' court if the LPA were to prosecute.

Within the same year as the enforcement notice, a Prior Approval application, to change a light industrial building (Use Class B1(c)) to a residential dwellinghouse (Use Class C3) (planning reference 20/00604/PACU5) and a Lawful Development Certificate (LDC) for the use of the buildings for carpentry workshop/storage purposes, was submitted (planning reference 20/01300/LDE).

The Prior Approval application was refused as the Applicant failed to evidence that the building was solely used for light industrial use on the date referred to in paragraph PA.1(b) of the Town and Country (General Permitted Development) Order 2015, flood risk to future occupiers, and size of the curtilage.

The LDC was also refused. It was concluded that the use granted in 1987 was implemented and the temporary permission lapsed, but the use continued, and the business eventually petered out, closed, and vacated in 2019. Whilst the carpentry workshop/store operated beyond 31st May 1992 in breach of condition 1 of that consent, the use ceased and there was an unauthorised change of use in the interim (use of land and buildings for residential purposes, including the siting of a residential caravan for residential purposes). Any resumption of the carpentry workshop/storage use would be a fresh breach of the only enduring condition attached to the 1987 permission attracting another 10-year period to become exempt from enforcement action. The continuation of a use following expiry of a temporary use is not a "material change of use" as confirmed in *Avon Estates Ltd v Welsh Ministers and Anor* (2011 ECWA Civ 553) at Paragraph 14 of the Judgement and cannot gain immunity in the same way.

More recently, an outline application for one self-build and custom dwellinghouse was refused under Policy LP02 for residential windfall development, as the site does not adjoin the development boundary and failed the exception test when considering flooding.

In summary, the existing lawful use of the site and building would be agricultural. While the site had an unlawful Use Class E(g)(iii) use from 1987 until 2019, this use ceased in 2019. The Planning Agent and Applicant have not stated exactly when the site was more recently used as a carpenter's workshop.

Principle of Development:

Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. The national decision-making policies in the National Planning Policy Framework (NPPF) 2026 are a material consideration in making these decisions and should be read alongside the policies in the development plan (Local Plan 2021-2040). Development plan policies (or parts of those policies) which are materially inconsistent with national decision-making policies in the Framework should generally be given very limited weight. However, other development plan policies should not be given reduced weight simply because they were adopted prior to the publication of the Framework.

Policy DM3 of the NPPF states that when considering development proposals, the local planning authority should: work with the applicant in a positive and proactive manner; take a proportionate approach to the consideration of the planning matters raised by the proposals, in a way that reflects their scale, complexity and potential impact; take account of planning matters raised during any pre-application engagement, including any positive responses to this engagement, as well as representations on the proposals; consult statutory or internal consultees only where it is necessary to do so; consider whether otherwise unacceptable development proposals could be made acceptable through the use of planning conditions or planning obligations; and not refuse applications for development which should clearly be approved, having regard to their accordance with the development plan, the policies in the Framework and any other material considerations.

Policy DM8(2) of the NPPF states that "In cases of unauthorised development where consideration is being given to an application for retrospective planning permission (or through an enforcement appeal, whether to grant planning permission in respect of a breach of planning control), if it is concluded based on evidence that the unauthorised development was intentional, that fact should be given substantial weight in considering whether to grant planning permission."

It is clear from the planning history that the unauthorised use of the development was intentional. The LDC (20/01300/LDE) established in the Officer's report that any resumption of the carpentry workshop would be a fresh breach of the only enduring condition attached to the 1987 permission, attracting another 10-year period to become exempt from enforcement action. The Officer's report further clarified that any temporary permission on the site had expired. The penultimate paragraph to the Officer's report under The LDC stated that *"Whilst the use of the site and buildings may be acceptable in planning policy terms and subject to certain mitigation measures and operating restrictions, this would require separate planning permission"*. This demonstrates the applicant would have been aware of the requirement for planning permission, but that they may have been under the impression that such an application would be found acceptable in policy terms, subject to mitigation measures and operating restrictions.

This understanding that an application would have been found acceptable, if it had been made, is a key consideration in the use of NPPF Policy DM8 as it does not evidence the applicant acted with complete disregard for planning law or the acceptability of the development, with it having been implied that such an application would be acceptable.

The rural-based economy is supported by policies S5(1)(b) and E4 of the NPPF.

Policy S3 of the NPPF applies a presumption in favour of sustainable development. For developments outside the settlement boundaries, Policy S5 of the NPPF applies, as per S3(1)(b). Policy S3(c) advises that in all locations, development proposals that accord with both an up-to-date development plan and the decision-making policies in this Framework should be approved without delay. Annexe A of the NPPF clarifies that other development plan policies should not be given reduced weight simply because they were adopted prior to the publication of the Framework, but that development plan policies which are materially inconsistent with the policies of the Framework should be given very limited weight.

Policy S5(1)(b) supports development for rural businesses, where a location outside settlements is shown to be necessary.

Policy E4(2) of the NPPF states that development proposals to meet business needs in rural areas may need to be located outside settlements, and in locations that are not well served by public transport, they should take opportunities, where they exist, to use previously developed land, and sites that are physically well-related to existing development; and the siting and design of development should be appropriate having regard to the character of its surroundings.

The Officer considers that conflict with Policy DM8(2) would in this case be outweighed when considering policies DM3(f) and S3(c) of the NPPF which states that the local planning authority should not refuse applications for development which clearly should be approved, having regard to their accordance with the development plan, the policies of the Framework and any other material considerations. The proposal would be largely in accordance with policies S5 and E4 of the NPPF and policy LP07 of the Local Plan 2021-2040.

Owing to the findings of the LDC, the lawful use of the site is agriculture. Agriculture is excluded from the NPPF's definition of 'previously developed land'. However, the site was a former workshop up until around 2019, when the workshop use was abandoned by the previous owner of the site. The use would operate from an existing building on a site which has a historic association with a workshop use and is physically related to existing development along Fitton Road rather than being isolated in the open countryside as per policies S5(1)(b) and (E4(2)). Regarding siting and design, this will be discussed further below.

At local level, Part 9 of Policy LP07 of the Local Plan 2021-2040 states that the Council will support proposals for alternative uses of employment land where it can be demonstrated that:

- a. use of the site for employment purposes gives rise to unacceptable environmental or accessibility problems particularly for sustainable modes of transport; or
- b. an alternative use or mix of uses offers greater potential benefits to the community in meeting local business and employment needs, or in delivering the Council's regeneration priorities such as the Town Investment Plan or similar future replacement or equivalent strategies.

The last lawful use of the site is agricultural, which is a rural-based enterprise. The use of the site as a carpenter's workshop is not considered to give rise to unacceptable environmental problems which could not be dealt with by condition or legislation, such as the Environmental Protection Act 1990. This will be discussed in detail in the following report. **Policy DM7(1) of the NPPF states that development proposals should be assessed on the basis of whether they would be an acceptable use of land. Matters which are controlled by separate regulatory regimes may, in the context of a**

particular development proposal, be a material consideration where they have land-use implications. Decision-makers should assume, unless there is clear evidence to the contrary, that those separate regimes will operate effectively.

Regarding accessibility problems, the Local Highway Authority does not object to the scheme. While the LHA expressed a desire to upgrade the existing track which the site utilises, they concluded that they could not substantiate an objection. This will also be discussed in detail in the report.

The application complies with part 9a of Policy LP07, subject to conditions.

Although retaining the carpenter's workshop may not align with broader Council regeneration priorities (such as the Town Investment Plan) under Part 9b of Policy LP07, it still has the potential to meet local business and employment needs. While the Planning Agent has not disclosed the exact number of staff, the facility could provide rural employment opportunities. This directly supports the policy's aim to enable a flexible approach to employment-generating development in rural areas.

As Part 9 of Policy LP07 only requires development to comply with either part a or b, the development is considered to accord with Policy LP07, subject to conditions, complying in full with part 9a, and in-part with part 9b.

The principle of development, for the retention of a carpenter's workshop, is therefore considered to comply with Policies DM3, DM7, S3, S5 and E4 of the NPPF, and Policy LP07 of the Local Plan 2021-2040.

Form and Character:

Policies LP18, LP19 and LP21 of the Local Plan 2021-2040 seek to ensure that all development in the borough is of high-quality design and conserves and enhances the amenity of the wider environment, reinforcing the distinctive character areas identified in the King's Lynn and West Norfolk Landscape Character Assessment. This involves assessing the scale, height, massing, materials and layout of a development to ensure it responds sensitively and sympathetically to the local setting and pattern of adjacent streets, including spaces between buildings, through high-quality design and the use of materials.

The BCKLWN Landscape Character Assessment (2007) designates the site as within The Fens - Open Inland Marshes. This is characterised as strikingly flat and low-lying; the area offers panoramic views in most directions, with wide open skies and a strong sense of openness and continuity throughout the area. Rows of poplar trees are a focal and ecological feature in this area. Where appropriate, the landscape guidelines consider sensitive farm diversification to be in keeping with the local settlement pattern and character.

E4(2)(b) of the NPPF supports rural business where the siting and design of development should be appropriate having regard to the character of its surroundings.

At the time of the site visit, the site comprised a single storey 'T' shape building finished in metal sheeting and brickwork. The building was historically an agricultural building and through the passage of time, is now a workshop. Along the site boundaries was an approximate 1.8m closed boarded fence along the north, west, and south boundaries, and an approximate 1m closed boarded fence along the east boundary.

No building operations are proposed as part of the planning application. The building on site would remain as existing.

The Parish Council and third parties consider that the proposal would introduce activities which would not be in keeping with the rural character.

The site was historically agricultural and, from 1987, changed to a carpenter's workshop. Planning history indicates that this workshop use continued past the grant of temporary consent until 1992 and continued until 2019. As such, the workshop use forms part of the character of this part of Fitton Road.

Moreover, the site is enclosed by an approximately 1.8m closed-boarded fence to the north, south and west boundaries. Activities related to carpentry tend to take place indoors. Any outdoor storage would have limited visual impact on the setting and character of Fitton Road given the screening around the site.

The retention of the site as a carpenter's workshop would therefore have no impact on the form and character of this part of Fitton Road, as the site has always been related to an employment use (whether for agriculture or as a carpenter's workshop), and would accord with policies LP18, LP19 and LP21 of the Local Plan 2021-2040 and **Policy E4(2)(b) of the NPPF**.

Impact on Neighbour Amenity:

This part of Fitton Road comprises a small number of residential dwellinghouses. These are No 151, No 155, No 163, and No 165 Fitton Road, closest to the site. No 175, Sunnyside Farm, No's 179 and 181 Fitton Road are located approximately 185m south of the application site.

Policy P3 of the NPPF states that development proposals should be appropriate for their location, taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, whether these effects are on or off-site, and whether this is as a result of the development itself or the product of pre-existing conditions in its vicinity. Development proposals should not give rise to, or contribute to, unacceptable levels of air, noise, artificial light, water, soil or other forms of pollution on or beyond the site. Adverse impacts of this nature should be avoided where possible, or else mitigated to an acceptable degree. Development proposals should mitigate and reduce to a minimum potential adverse impact resulting from noise, not result in levels of noise exposure which would have a significant observed adverse effect, and maintain the character of tranquil areas.

In applying P3(2), P3(3) states that it should be assumed, unless there is clear evidence to the contrary, that separate regulatory regimes for the control of pollution will operate effectively, as set out in policy DM7.

Due to the location and nature of the application, the impacts on the neighbours would come from the use of the land and potential for noise and disturbance. The Parish Council and third-party comments raised concerns about historic noise issues related to the site, particularly during the time the site was unlawfully used for the breaking down of vehicles in 2020. This application is not related to the breakdown of vehicles, but for a carpenter's workshop which is a low-key use and capable of operating effectively in a residential area.

Based on the information provided by the Planning Agent, the nature and level of operations is said to be low. The Officer considers that impacts related to noise and

disorder can be controlled via conditions **as per policy DM3(1)(e) of the NPPF, which states that local planning authorities should consider whether otherwise unacceptable development proposals could be made acceptable through the use of planning conditions.**

The Planning Agent confirmed that the hours of operation are 8am to 5pm Monday to Friday, 8am to 12pm on Saturday, and no hours on Sundays or Bank/Public Holidays.

Community Safety and Neighbourhood Nuisance (CSNN) raised no objection to the principle of development, subject to conditions related to hours and days of operation (08.00hrs to 18.00hrs on weekdays, 09.00hrs to 16.00hrs on Saturdays, and at no time on Sundays, Bank or Public Holidays) and the submission of a noise, dust and waste management plan to be submitted two months following the date of approval.

Although CSNN has indicated that longer opening hours may be acceptable, it is considered appropriate for the condition to reflect the hours proposed by the Planning Agent on behalf of the Applicant in their email of the 10th March 2026. Having regard to the site's location within a cluster of residential dwellings, those hours are considered acceptable and appropriate.

The use of the site as a workshop took place until 2019, with an interim use involving the breaking down of vehicles and a residential caravan. CSNN have verbally confirmed that the last complaint made against this site was in 2020. These complaints related to the interim use, bonfires and potential contamination, which were investigated and subsequently closed by the Council's Environmental Quality team. CSNN has confirmed that no complaints have been received since.

In any case, any instances of excessive or unreasonable noise could fall within the scope of separate legislation, including the Environmental Protection Act 1990, which provides established mechanisms for addressing statutory nuisance.

Although Officers consider that the workshop would fall within Use Class E(g)(iii), which is light industrial processes compatible with a residential area without causing a nuisance to neighbours, a condition for a noise, dust and waste management plan was requested by CSNN. This condition is considered necessary given the lack of details currently provided by the Applicant and to ensure the continuation of the site for this use would not be detrimental to the neighbours along Fitton Road.

Following Planning Committee on 27 July 2026, the Planning Agent has confirmed that the use of the workshop falls within the definition of Use Class E(g)(iii).

Therefore, subject to conditions, the proposal would accord with **Policy P3 of the NPPF and Policy LP21 of the Local Plan 2021-2040** when considering the impact on neighbour amenity.

Highway Safety:

Policy TR6(4) of the NPPF states that development proposals should be refused if they would have a severe adverse impact on the transport network (in terms of capacity and congestion, including cumulative impacts), or an unacceptable impact on highway safety; taking into account any mitigation measures proposed as well as any wider network improvements, including measures to support sustainable patterns of movement.

Policy E4 of the NPPF recognises that some development could take place in rural areas.

The site is accessed via a shared track to the south of the site. This track is owned by Eau Bank Farm and the Applicant has demonstrated that they have easement over it.

During the initial round of consultations, the Local Highway Authority (LHA) raised questions about the site access, including the red line boundary, and requested more information about the level of operations.

On receipt of an amended red line boundary which included the track within the application site, the LHA, considered that access to the site could be made safe, with a condition for the track to be upgraded in accordance with Norfolk County Council's light industrial access construction specification for the first 5m, measured back from the near channel edge of the adjacent carriageway.

Furthermore, based on the information provided by the Applicant, the LHA considered that the workshop, being used for carpentry, would tend to generate lower traffic compared to other uses within that use class, such as offices, shops or indoor gyms, which also fall within Use Class E. As such, the LHA raises no objection to the principle of the carpentry use.

The LHA also suggested a condition to upgrade the existing track within the red line boundary. However, this part of the site is not in the ownership of the Applicant. Therefore, Officers do not consider that this condition would meet the tests for conditions, namely that it would not be reasonable, as the Applicant could not comply with the condition without consent from the landowner.

Officers have sought clarification from the LHA regarding the condition to upgrade the track as the Applicant does not own the track. The LHA advised that, as Fitton Road is not a busy trafficked road, and given that the existing use would generate some traffic, they would not be able to substantiate an objection on highway safety grounds if the condition to upgrade the track was not imposed.

The LHA expressed that it would be desirable for the access to be surfaced where it meets Fitton Road. However, given the depth of the highway verge and proximity to existing ditches along Fitton Road, on balance, this would not be necessary to make the proposal acceptable.

Based on comments from the LHA, the development would not result in any highway safety impacts in accordance with Policy LP21 of the Local Plan 2021-2040 **and Policy TR6 of the NPPF**.

Contamination:

NPPF Policies P2 and P3 relate to contamination and the likely effects of pollution on health, both on and of site. Policy LP21 of the Local Plan further clarifies that proposals should be assessed against a number of factors, including contamination.

The Parish Council and third parties have expressed some concern regarding the use of the site and contamination. Specifically, they have raised concerns regarding waste management, damaged asbestos roofing, disposal of wood waste, and doubts about the claim that there are no hazardous materials.

The Environmental Quality (EQ) team has considered the information submitted with the planning application, which suggests that there is no known contamination. EQ also considered the use of the surrounding land, which is largely agricultural.

As the proposal seeks to retain the use of the building and land as a carpenter's workshop, EQ raised no objection in relation to contaminated land.

Furthermore, under the Environmental Protection Act 1990 and subordinate Statutory Instruments, it is the duty of the business to ensure that suitable provisions are in place for the disposal of waste arising from the business. This is known as a Waste Duty of Care. There are mechanisms in place to ensure that businesses cooperate with this duty, either through CSNN or the Environment Agency. This addresses comments related to the business's waste management.

Given the duty to dispose of waste is covered by other legislation and that no objection is raised by the Environmental Quality Team in respect of land contamination, the proposal is considered to be in accordance with Policies P2 and P3 of the NPPF and Policy LP21 of the Local Plan.

Flood Risk:

Policy F6 of the NPPF advises that development proposals within Flood Zone 2, 3a and 3b should be refused if the use is incompatible with the risk from river or sea flooding, as set out in Annex F, Table 3, and in certain other circumstances set out in Annex F, Table 3. In addition to satisfying the sequential test in Policy F5 where applicable, development will only be appropriate where an 'exception test' is satisfied.

At local level, Policy LP25 of the Local Plan 2021-2040 states that where sites are at risk of flooding, a site-specific flood risk assessment that considers flood risk from all sources and demonstrates that the proposed development will be safe for its lifetime and satisfactory demonstration that any design or development features necessary to address flood risk issues are compatible with heritage assets in the vicinity is required.

The site is within Flood Zone 3 and a Tidal Breach Area. A Flood Risk Assessment (FRA) has been submitted. While the Environment Agency was consulted, it had no comments to make.

A carpenter's workshop would be considered a 'less vulnerable' type of development under Table 2 of Annex F of the NPPF. Under Table 3 of Annex F of the NPPF, 'less vulnerable' development within Flood Zone 3 is advised to be appropriate.

Considering flood risk, the development is considered appropriate in accordance with the EA and NPPF guidance.

The Emergency Planner has suggested that the Applicant should sign up to the EA's flood warning system, install services at a high level to avoid the impact of flooding, and prepare a flood evacuation plan. This should include actions to take on receipt of the different warning levels, evacuation procedures, such as isolating services and taking valuables, and evacuation routes. As the site is in a tidal breach area, it is considered that a condition requiring a flood evacuation plan to be submitted to the LPA and subsequently displayed on site is necessary for the safety of personnel on site, in accordance with Policies LP18 and LP25 of the Local Plan 2021-2040 **and Policy F6 of the NPPF.**

Other matters:

Climate Change: Policies CC2 (Mitigation of Climate Change) and CC3 (Adaption to Climate Change) of the NPPF require substantial weight to be given to the benefits of improving the energy efficiency of existing buildings and improving the resilience of existing buildings to climate change impacts.

Policy CC2 states that to contribute to climate change mitigation and the transition to net zero, development proposals should, where relevant: accord with transport policies so that sustainable patterns of movement are prioritised; support good access to facilities in order to limit the need to travel, whether through the development's location; use design approaches which conserve energy and other resources in accordance with policy DP3(2)(b); take advantage of opportunities to reuse existing structures; take advantage of opportunities to draw low-carbon energy from decentralised networks where these are available; contribute to the creation or restoration of habitats which can act as carbon stores; and not involve the extraction of fossil fuels unless it is in accordance with policy M5.

Policy CC3 states that development should take account of the current and potential impacts of climate change over the lifetime of the scheme. Where relevant, development should minimise vulnerability to these impacts by being located where flood risk is minimised; complying with Policy F9 where development is within an area vulnerable to coastal change; incorporating sustainable drainage systems; using design approaches that minimise the risk of overheating in accordance with Policy DP3(2)(b); including green infrastructure and suitable tree planting in accordance with Policies DP3(2)(c) and N3; and incorporating proportionate measures to mitigate against wildfire risk where opportunities exist.

LP06 of the Local Plan 2021-2040 requires all development to recognise and contribute to the importance of future proofing against the challenges of climate change to support the transition towards meeting the Government target of becoming a net zero economy by 2050.

It is a requirement of NPPF Policy DM3(b) that a proportional approach be taken to assessment of development proposals in a way that reflects their scale, complexity and potential impact. The site is relatively small and the proposal would utilise an existing building, which has been used as a workshop for many years prior and limited amounts of work are required to continue using the site for that purpose.

The development relates to the use of the land only and would not involve additional operational development meaning that the impact on flooding and drainage issues would be extremely limited.

The proposal would be relevant and meet policies CC2(1)(b)(d), CC3(1)(a) of the NPPF and Policy LP06 of the Local Plan 2021-2040.

CONCLUSION:

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

The national decision-making policies in the NPPF are a material consideration, in making these decisions and should be read alongside the policies in the Local Plan 2021-2040.

Policy DM8 of the NPPF states that if it can be concluded on evidence that unauthorised development was intentional, that fact should be given substantial weight in determining the application. In this instance, Officers consider that the development was intentionally carried out without planning permission, but that a mitigating circumstance is present in that it was implied to the applicant within the Officer report under 20/01300/LDE that such an application would be acceptable. When balancing the proposal against the NPPF policies, as well as against the Local Plan 2021-2040, the development is considered acceptable as a rural diversification proposal which would have moderate economic benefits to the local community, enabling rural employment in this location.

Comments from consultees such as CSNN and Environmental Quality have demonstrated that the proposal would not have a detrimental environmental impact. Lastly, any adverse social impact could be made acceptable via conditions. Furthermore, the use of the site falls within Use Class E(g)(iii), which is compatible in residential areas, particularly with regard to NPPF Policy DM3(b) in terms of taking a proportionate approach to the consideration of the planning matters raised by the proposal, specifically the size of the site and the potential impacts resulting from its use.

The application to retain an existing carpenter's workshop (Use Class E(g)(iii)) along Fitton Road in the Parish of Wiggenhall St Germans, subject to conditions relating to a dust, noise and odour management plan, use class, and operational hours, would accord with policies DM3, S3, S5, E4 P3, F6, TR6, CC2 and CC3 of the NPPF (2026) and Policies LP06, LP07, LP18 and LP21 of the Local Plan 2021-2040. The knowing carrying out of the development without planning permission is acknowledged but, but given the content of the Officer report under 20/01300/LDE implying that such a development would be acceptable, is not considered to outweigh the benefits in this instance, as explained within the body of the report.

The application is therefore duly recommended for approval, subject to conditions.

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: Mapping (06/03/2026)
- 1 Reason: For the avoidance of doubt and in the interests of proper planning.
- 2 Condition: Within two months of the date of this planning permission, a management scheme to protect neighbouring residents from noise, odour, dust and waste issues shall be submitted for approval in writing by the Local Planning Authority.

The scheme shall include measures to reduce the potential negative impacts of the workshop activities and demonstrate methods that will be used to control emissions of noise, odour and dust, and will state the arrangements in place for the storage and collection of waste from the workshop.

Within 1 month of the date of the Local Planning Authority's written approval, the scheme shall be implemented as approved and thereafter maintained as such.

- 2 Reason: In order that the Local Planning Authority may retain control over the development in the interests of the residential amenities of the locality in accordance with Policy P3 of the NPPF and policies LP07 and LP21 of the Local Plan 2021-2040.
- 3 Condition: No machinery shall be operated, no process shall be carried out, no deliveries shall be taken at or dispatched from the site, and no commercial waste collections shall be made outside the hours of 08.00hrs to 17.00hrs on weekdays, 08.00hrs to 12.00hrs on Saturdays, and at no time on Sundays and Bank or Public Holidays.
- 3 Reason: In order that the Local Planning Authority may retain control over the development in the interests of the residential amenities of the locality in accordance with policy P3 of the NPPF and policies LP07 and LP21 of the Local Plan 2021-2040.
- 4 Condition: The premises shall be used as a carpenter's workshop under Use Class E(g)(iii) only (as defined within the Town and Country Planning (Use Classes)(Amendment) Order 2020, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification) and shall not be used for any other purpose, including any use permitted under Schedule 2, Part 3 'Changes of Use' of the Town and Country Planning (General Permitted Development) Order 2015, as amended, or any order revoking and re-enacting that Order with or without modification.
- 4 Reason: In order that the Local Planning Authority may retain control over the use of the premises where an alternative use otherwise permitted by the above mentioned Order would be detrimental to the amenities of the locality and neighbours, in accordance with Policy LP21 of the Local Plan 2021-2040 and policy P3 of the NPPF.
- 5 Condition: Within two months of the date of this planning permission, a Flood Evacuation Plan shall be submitted for approval in writing by the Local Planning Authority. The Plan must include, but is not limited to, the following details:
 - Procedures and designated actions corresponding to different Environment Agency flood warning levels.
 - Evacuation protocols, including isolation of utility services and securing valuables.
 - Designated safe evacuation routes away from the site.

The approved Flood Evacuation Plan shall be fully implemented following the approval of the details and strictly maintained for the lifetime of the development.

Within 1 month of the date of the Local Planning Authority's written approval, evidence demonstrating that the approved Flood Evacuation Plan is permanently displayed in a prominent location on-site shall be submitted to the Local Planning Authority.

- 5 Reason: In order to prevent an increased risk of flooding within a Tidal Breach area, in accordance with the policies F6, F7 and CC3 of the NPPF and Policies LP18 and LP21 of the Local Plan 2021-2040.