



# Planning Committee

## Agenda

Monday, 1st July, 2024

\*at approximately 10.30 am

in the

Assembly Room  
Town Hall  
Saturday Market Place  
King's Lynn

Also available to view at

<https://www.youtube.com/user/WestNorfolkBC>

\*Please note that the Committee will visit the site of the major application 24/00168/OM as listed on the agenda, prior to the meeting. It is aimed to commence the meeting at approximately 10.30 am when the Committee returns from the site visit.



King's Court, Chapel Street, King's Lynn, Norfolk, PE30 1EX  
Telephone: 01553 616200  
Fax: 01553 691663

**PLANNING COMMITTEE AGENDA**

Please note that due to the number of applications to be considered it is proposed that the Committee will adjourn for lunch at approximately 12.30 pm and reconvene at 1.10 pm.

Please ensure that all mobile phones are switched to silent

**DATE:** Monday, 1st July, 2024

**VENUE:** Assembly Room, Town Hall, Saturday Market Place, King's Lynn PE30 5DQ

**TIME:** 10.30 am

**1. APOLOGIES**

To receive any apologies for absence and to note any substitutions.

**2. MINUTES**

To confirm as a correct record the Minutes of the Meeting held on Monday 3 June 2024 and the Reconvened Meeting held on Thursday 6 June 2024 (previously circulated).

**3. DECLARATIONS OF INTEREST (Page 5)**

Please indicate if there are any interests which should be declared. A declaration of an interest should indicate the nature of the interest (if not already declared on the Register of Interests) and the agenda item to which it relates. If a disclosable pecuniary interest is declared, the Member should withdraw from the room whilst the matter is discussed.

These declarations apply to all Members present, whether the Member is part of the meeting, attending to speak as a local Member on an item or simply observing the meeting from the public seating area.

Councillor appointed representatives on the Internal Drainage Boards are noted.

**4. URGENT BUSINESS UNDER STANDING ORDER 7**

To consider any business, which by reason of special circumstances, the Chair proposes to accept, under Section 100(b)(4)(b) of the Local Government Act, 1972.

**5. MEMBERS ATTENDING UNDER STANDING ORDER 34**

Members wishing to speak pursuant to Standing Order 34 should inform the Chairman of their intention to do so and on what items they wish to be heard before a decision on that item is taken.

**6. CHAIR'S CORRESPONDENCE**

To receive any Chair's correspondence.

**7. RECEIPT OF LATE CORRESPONDENCE ON APPLICATIONS**

To receive the Schedule of Late Correspondence received since the publication of the agenda.

**8. INDEX OF APPLICATIONS (Pages 6 - 7)**

The Committee is asked to note the Index of Applications.

**9. DECISIONS ON APPLICATIONS (Pages 8 - 159)**

The Committee is asked to consider and determine the attached Schedule of Planning Applications submitted by the Assistant Director.

**10. UPDATE ON TREE MATTERS (Pages 160 - 163)**

The Committee is asked to note the report.

**11. DELEGATED DECISIONS (Pages 164 - 190)**

To receive the Schedule of Planning Applications determined by the Assistant Director.

**To: Members of the Planning Committee**

Councillors B Anot, T Barclay, R Blunt, A Bubb, R Coates, M de Whalley, P Devulapalli, S Everett, D Heneghan, S Lintern (Vice-Chair), T Parish (Chair), S Ring, C Rose, A Ryves, Mrs V Spikings, M Storey and D Tyler

## **Major applications**

Please be advised that the Committee will visit the site of the major application 24/00168/OM, prior to the meeting. The meeting will then commence at approximately 10.30 am when the application will be determined.

## **Site Visit Arrangements for other applications**

When a decision for a site inspection is made at the meeting, consideration of the application will be adjourned, the site visited, and the meeting reconvened on the same day the visit takes place where a decision on the application will then be made.

If there are any site inspections arising from this meeting, these will be held on **Thursday 4 July 2024** (time to be confirmed).

### **Please note:**

- (1) At the discretion of the Chairman, items may not necessarily be taken in the order in which they appear in the agenda.
- (2) An Agenda summarising late correspondence received by 5.15 pm on the Thursday before the meeting will be emailed (usually the Friday) and tabled one hour before the meeting commences. Correspondence received after that time will not be specifically reported during the Meeting.
- (3) **Public Speaking**

Please note that the deadline for registering to speak on the application is 12 noon the working day before the meeting, **Friday 28 June 2024**. Please contact [borough.planning@west-norfolk.gov.uk](mailto:borough.planning@west-norfolk.gov.uk) or call (01553) 616818 or 616234 to register.

### **For Major Applications**

Two speakers may register under each category: to object to and in support of the application. A Parish or Town Council representative may also register to speak. Each speaker will be permitted to speak for five minutes.

### **For Minor Applications**

One Speaker may register under category: to object to and in support of the application. A Parish or Town Council representative may also register to speak. Each speaker will be permitted to speak for three minutes.

For Further information, please contact:

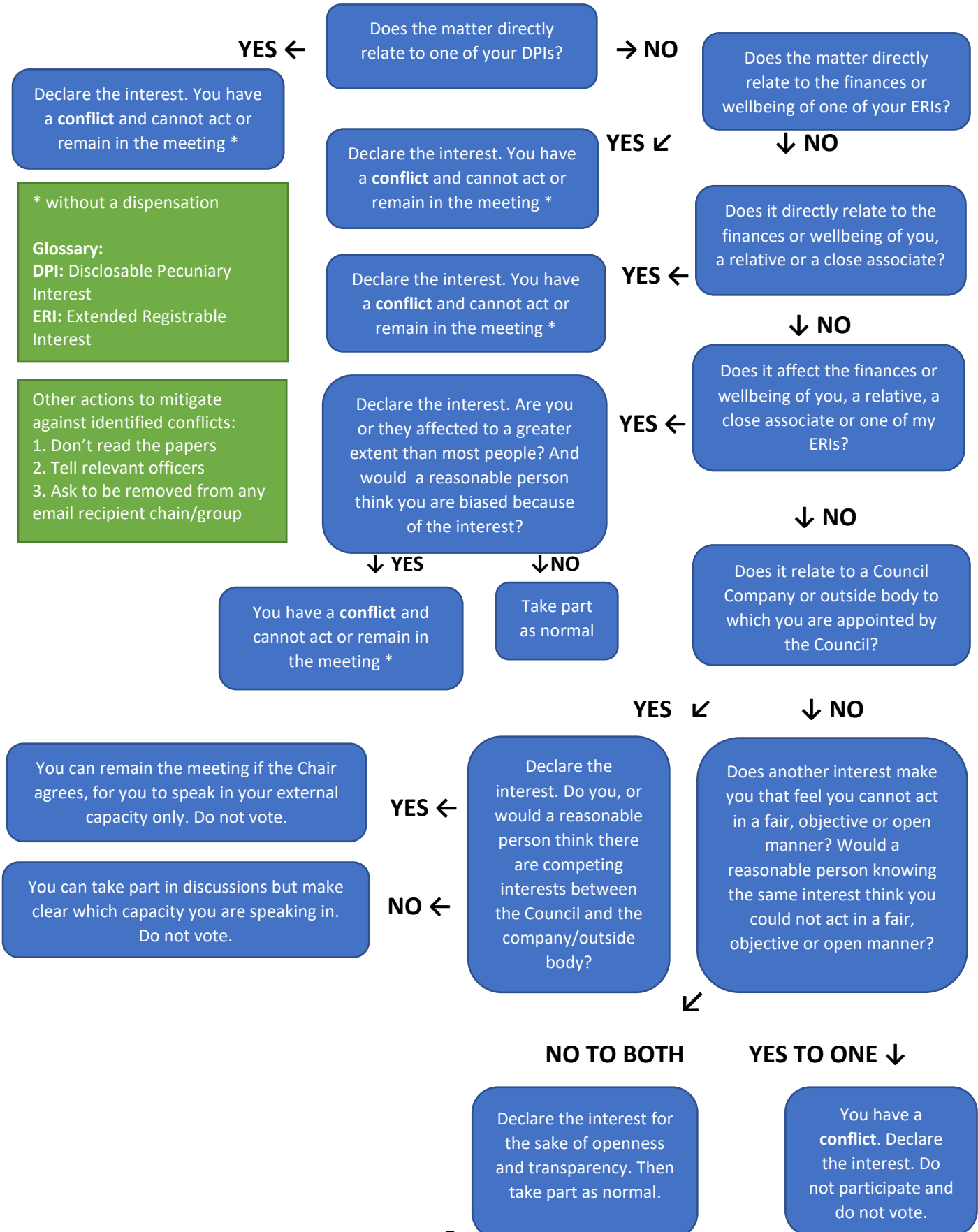
Kathy Wagg on 01553 616276  
[kathy.wagg@west-norfolk.gov.uk](mailto:kathy.wagg@west-norfolk.gov.uk)



# DECLARING AN INTEREST AND MANAGING ANY CONFLICTS FLOWCHART



## START



Declare the interest. You have a **conflict** and cannot act or remain in the meeting \*

\* without a dispensation

### Glossary:

DPI: Disclosable Pecuniary Interest

ERI: Extended Registrable Interest

Other actions to mitigate against identified conflicts:

1. Don't read the papers
2. Tell relevant officers
3. Ask to be removed from any email recipient chain/group

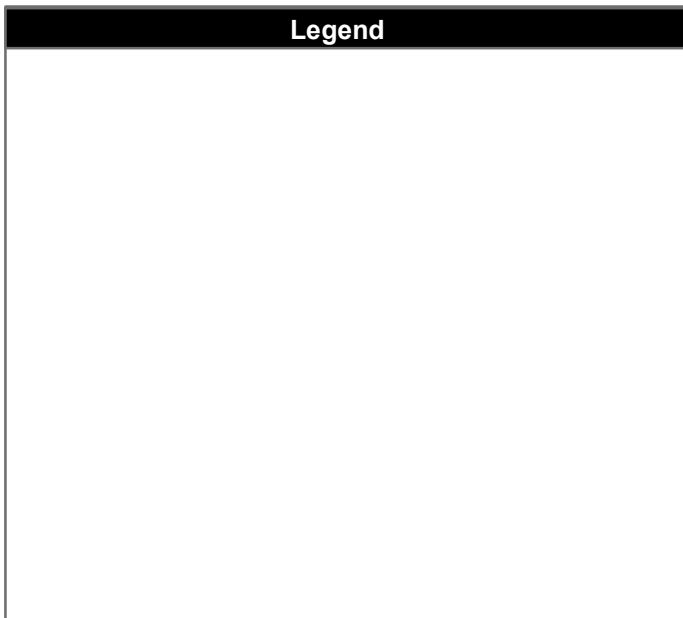
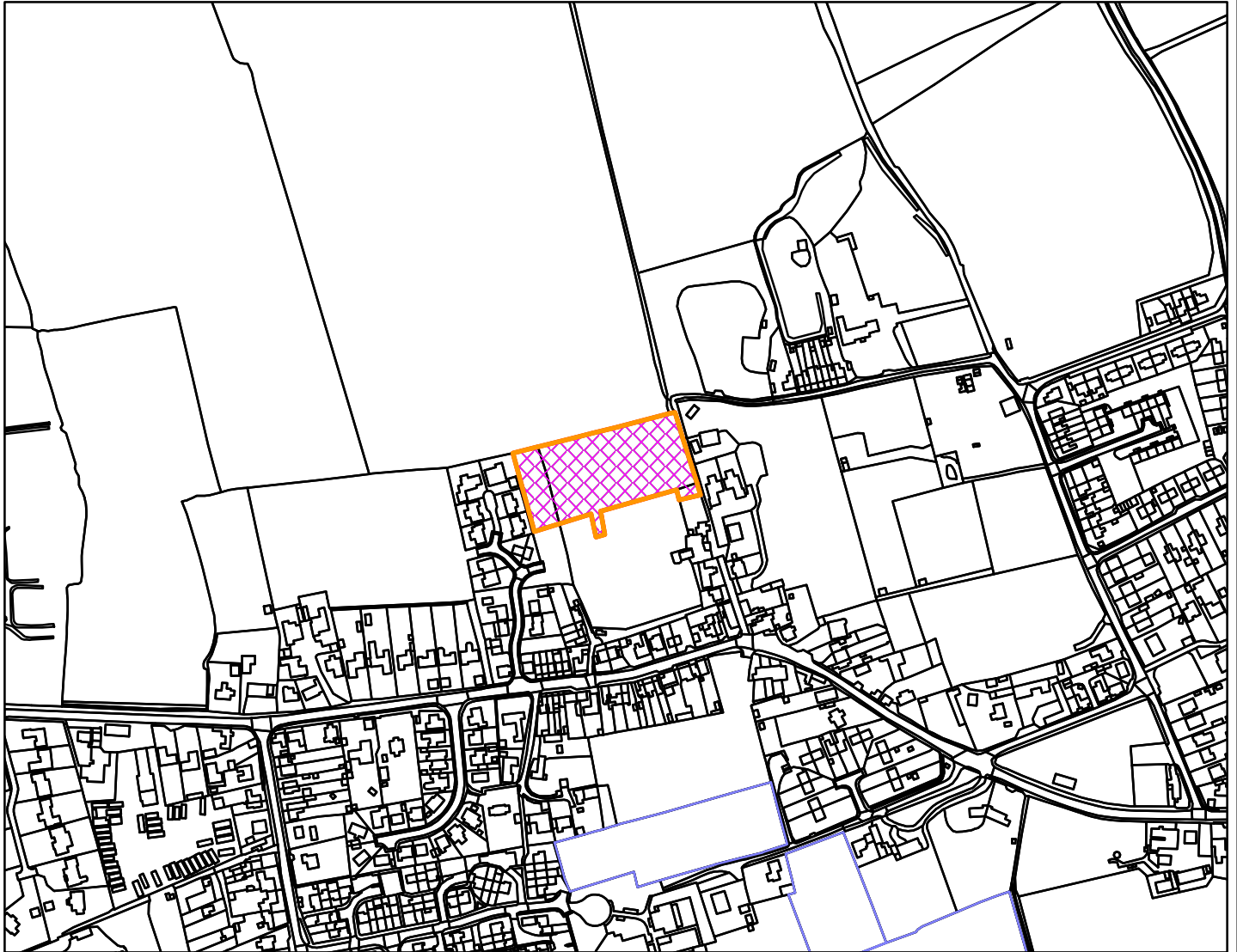
**INDEX OF APPLICATIONS TO BE DETERMINED  
BY THE PLANNING COMMITTEE AT THE MEETING  
TO BE HELD ON MONDAY 01 JULY 2024**

Item No.	Application No. Location and Description of Site Development	PARISH	Recommendation	Page No.
<b>MAJOR DEVELOPMENTS</b>				
9/1(a)	<b>24/00168/OM</b> Land E572430 N319560 And N of Howards Way Gayton Norfolk PE32 1WJ OUTLINE APPLICATION WITH SOME MATTERS RESERVED FOR: Phased Residential Development of 15 units comprising First Homes, Custom/Self Build Units and Affordable Housing.	<b>GAYTON</b>	<b>APPROVE</b>	<b>8</b>
<b>OTHER APPLICATIONS/APPLICATIONS REQUIRING REFERENCE TO THE COMMITTEE</b>				
9/2(a)	<b>24/00385/CU</b> Land And Buildings SE of 15 Wildfields Road Clenchwarton Norfolk PE34 4DE Proposed conversion of garage to business use (Class E)	<b>CLENCHWARTON</b>	<b>APPROVE</b>	<b>33</b>
9/2(b)	<b>24/00890/F</b> 25 Short Beck Feltwell Thetford Norfolk IP26 4AD Replacement of existing kitchen extension and replacement with new lean-to extension, conversion of out building and internal alterations to cottage.	<b>FELTWELL</b>	<b>APPROVE</b>	<b>45</b>
9/2(c)	<b>(i) 24/00866/F &amp; (i) 24/00914/LB</b> Tower Farm Station Road Tower End Middleton King's Lynn Norfolk PE32 1EE (i) Relocation And Reinstatement Of Vehicular Highways Access and Alterations To Boundary Wall. (ii) Listed Building Application: Relocation And Reinstatement Of Vehicular Highways Access and Alterations To Boundary Wall	<b>MIDDLETON</b>	<b>APPROVE</b>	<b>52</b>

9/2(d)	<b>(i) 24/00838/F &amp; (ii) 24/00811/LB</b> Tower Farm Station Road Tower End Middleton King's Lynn Norfolk PE32 1EE (i) VARIATION OF CONDITION 2 OF PLANNING CONSENT 23/01194/F: Proposed demolition of utility for new kitchen/lobby extension and glazed link, part conversion of outbuilding (ii) VARIATION OF CONDITION 2 AND REMOVAL OF CONDITION 3,4,6,7 AND 8 OF PLANNING CONSENT 23/01195/LB: Application for listed building consent for proposed demolition of utility for new kitchen/lobby extension and glazed link, part conversion of outbuilding.	<b>MIDDLETON</b>	<b>APPROVE</b>	<b>61</b>
9/2(e)	<b>24/00314/F</b> Land North of School Road Runcton Holme Norfolk PE33 0AN Variation of Condition 1 attached to Planning Permission 19/01491/RMM: Reserved matters major application: Construction of 11 dwellings	<b>RUNCTON HOLME</b>	<b>APPROVE</b>	<b>71</b>
9/2(f)	<b>23/01873/F</b> Sedgeford Tennis Centre Ringstead Road Sedgeford Hunstanton Norfolk PE36 5NQ Phased development including demolition of existing buildings and construction of 7No. dwellings	<b>SEDFORD</b>	<b>REFUSE</b>	<b>80</b>
9/2(g)	<b>24/00443/F</b> Land S of 28-29 St Peters Road Upwell Norfolk PE14 9EQ Proposed detached dwelling	<b>UPWELL</b>	<b>APPROVE</b>	<b>101</b>
9/2(h)	<b>19/00937/F</b> Former Pear Tree Cottage Harps Hall Road Walton Highway Norfolk PE14 7DL Change of use of land from residential accommodation land / site of former dwelling to use as a caravan site for single family occupation (by a gypsy / traveller family)	<b>WEST WALTON</b>	<b>APPROVE</b>	<b>112</b>
9/2(i)	<b>24/00740/F</b> Bernina 22 Church Road Wimbotsham King's Lynn Norfolk PE34 3QG Two storey rear and single storey extensions to side and rear of existing dwelling, following removal of existing extensions and shed & construction of a new garage/garden store & alterations to existing vehicular access.	<b>WIMBOTSHAM</b>	<b>REFUSE</b>	<b>149</b>



Land E572430 N319560 And N of Howards Way Gayton Norfolk PE32 1WJ



**Scale:** 1:5,000

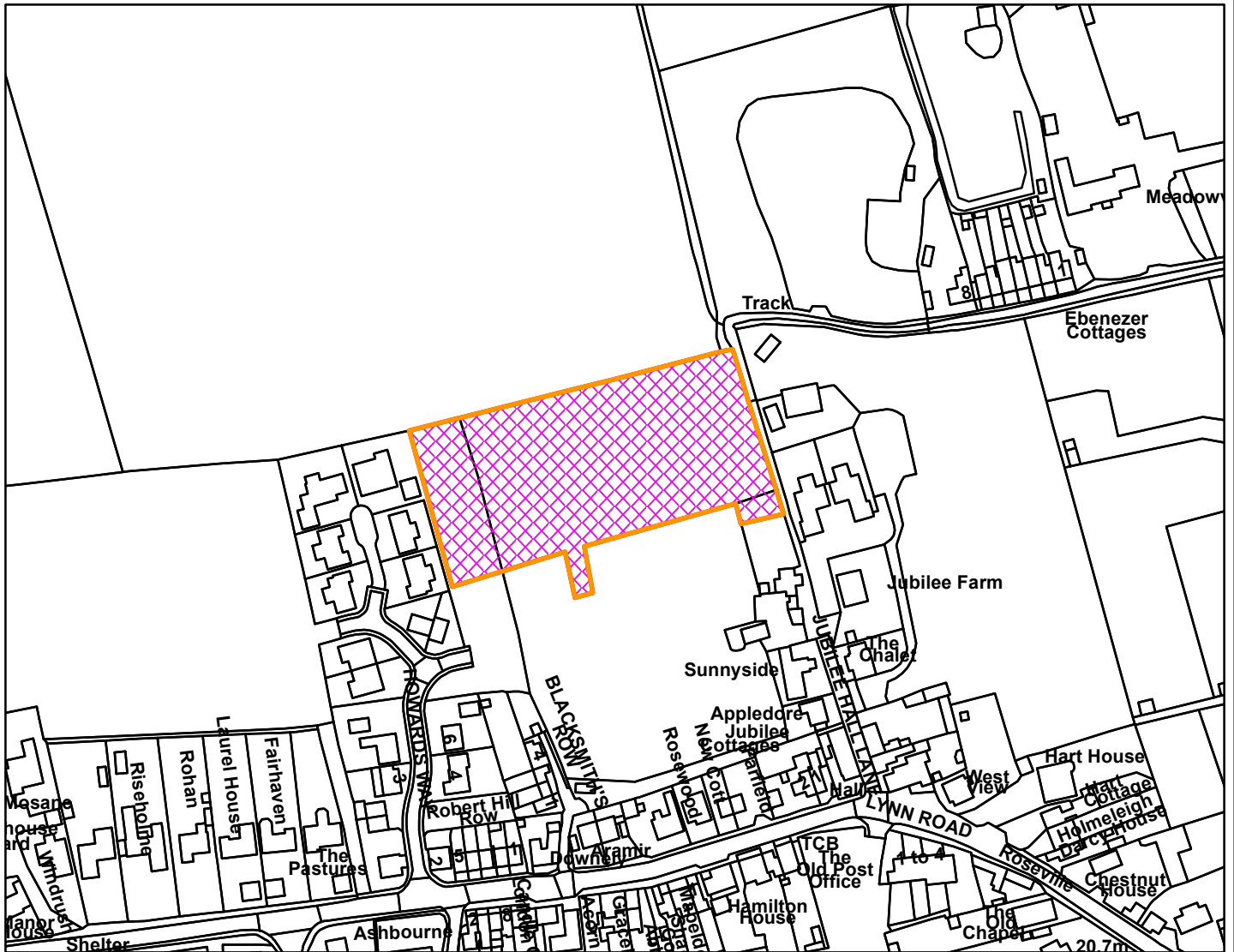
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Organisation	BCKLWN
Department	Department
Comments	
Date	18/06/2024
MSA Number	0100024314



Land E572430 N319560 And N of Howards Way Gayton Norfolk PE32 1WJ



**Legend**

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**Scale:** 1:2,500

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Organisation	BCKLWN
Department	Department
Comments	
Date	18/06/2024
MSA Number	0100024314

<b>Parish:</b>	<b>Gayton</b>	
<b>Proposal:</b>	<b>OUTLINE APPLICATION WITH SOME MATTERS RESERVED FOR: Phased Residential Development of 15 units comprising First Homes, Custom/Self Build Units and Affordable Housing.</b>	
<b>Location:</b>	<b>Land E572430 N319560 And N of Howards Way Gayton Norfolk</b>	
<b>Applicant:</b>	<b>KMH Builders Ltd</b>	
<b>Case No:</b>	<b>24/00168/OM (Outline Application - Major Development)</b>	
<b>Case Officer:</b>	<b>Mrs N Osler</b>	<b>Date for Determination: 2 May 2024 Extension of Time Expiry Date: 5 July 2024</b>

**Reason for Referral to Planning Committee** – *Called in by Cllr Anotia and Officer  
Recommendation is Contrary to Parish Council Recommendation*

**Neighbourhood Plan:** Yes

**Case Summary**

Outline consent with all matters, except access, reserved for future consideration is sought for residential development of the site with 15no. dwellings (5no. affordable and 10no. custom / self-build units.)

Access is proposed via the existing residential development currently under construction to the south of the site and will be in the form of an extended private road off the existing hammer head.

The site lies outside of the development boundary for Gayton as depicted on inset G41 of the Site Allocations and Development Management Policies Plan, 2016 (SADMP) and Policy Map 1 of Gayton and Gayton Thorpe Neighbourhood Plan and is therefore classified as countryside in planning terms.

Together with Grimston and Pott Row, Gayton is classified as a Joint Key Rural Service Centre in the Settlement Hierarchy of the Development Plan.

The site has existing and proposed (under construction) built form to its immediate east, south and west, and is separated from open countryside to the north by an existing hedgerow. The site is currently being used as temporary storage area serving the neighbouring permitted developments.

The site lies within Flood Zone 1 and a public right of way (PROW) Gayton FP2 runs along the eastern boundary of the site.

**Key Issues**

Principle of Development  
Form and Character  
Highway Issues

Residential Amenity  
Drainage  
Trees and Hedgerows  
Ecology, Biodiversity and Protected Sites S106 Considerations  
Crime and Disorder  
Other Material Considerations

### **Recommendation**

**A) APPROVE** subject to the completion of S106 within 4 months of the date of this resolution to approve.

**B) REFUSE** if S106 is not completed within 4 months of the date of this resolution to approve.

## **THE APPLICATION**

Outline consent with all matters, except access, reserved for future consideration is sought for residential development of the site with 15no. dwellings (5no. affordable and 10no. custom / self-build units.)

The indicative plan shows four single storey dwellings, two of which would be affordable and two of which would be custom / self-build, the remaining 11no are indicatively stated to be two-storey. It is suggested that the dwellings will range in size between 2 and 5-bed units.

The indicative plan also shows a suds drainage pond which accords with the submitted drainage strategy, retention of the northern hedgerow and provision of a post and rail fence and native hedge between the proposed development and the development under construction to the south.

Access is proposed via the existing residential development currently under development to the south of the site. No pedestrian / cycle access is proposed to the existing PROW which runs to the east of the site (Gayton FP2.)

Given the outline nature of the application all plans are indicative other than where they show access to the site from the south and have been provided to show one way in which the site could potentially accommodate up to 15 dwellings.

## **SUPPORTING CASE**

The application site comprises approximately 0.8 Ha of former paddock land, located northeast of Howards Way. Currently the site is being used as storage compounds for the previously approved phases of residential development that are being built out (planning references: 19/01325/RMM and 17/02355/RM) and this application proposal seeks approval for Phase 4 which would be the final phase.

The proposal seeks outline planning permission with only access to be considered at this stage, to establish the principle for 15 no. dwellings that would comprise 10 no. custom / self-build serviced plots, 3 no. policy compliant affordable dwellings plus a further 2 no. affordable units in the form of 'First Homes'. A Section 106 legal agreement will be completed to secure the policy compliant affordable housing provision, additional 2 no. First Homes plus the custom / self-build housing.

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**01 July 2024**

The proposals will allow prospective homeowners to customise and assist in designing their future homes and the provision of additional First Homes beyond the Borough Council affordable housing policy requirement would provide an opportunity for local people to get on the property ladder.

Although the application site lies outside the current development boundary for the Gayton, it lies immediately adjacent to it; is flanked by existing residential development on 3 sides; and is located centrally within the village in easy walking distance of the existing services and facilities of this key rural service centre. These factors, together with the limited constraints of the site, make it an ideal and sustainable location for additional much needed homes that will complete the Howards Way development without having any detrimental impact on highway safety, residential amenity, or the established form and character of the area.

Although only access is to be considered at this outline stage and the site layout is only indicative, the application proposes property types that are in keeping with the surrounding built form in terms of their size and scale. The scheme would offer a mix of bungalows and two-storey dwellings aimed at people of all ages, including young couples and families.

The proposal has been subject to input from relevant technical consultees and care has been taken to ensure that any concerns raised have been adequately addressed. Consequently, there are no objections from these parties in respect of technical matters.

Should outline planning permission be approved, the intention is for a reserved matters (RM) application to be submitted in respect of the form, layout and individual access arrangements for the provision of the serviced plots for custom / self-build, together with full details of the proposed affordable housing units.

Notwithstanding the fact that this application is not subject to mandatory biodiversity net gain (BNG), the applicant has confirmed their agreement for the proposed development to provide 10% BNG, to be secured by condition with details provided at RM stage.

To conclude, the proposed development would provide good quality, much needed affordable homes and custom and self-build plots on a sustainable site located centrally within the village. These are significant benefits of the scheme which are considered to weigh heavily in the planning balance in favour of the proposal, particularly given the unmet demand for self-build and custom housebuilding plots in the Borough.

Although the site lies just outside the Gayton development boundary, the proposal complies with all other relevant planning policies within both the Neighbourhood Plan, Core Strategy and Site Allocations and Development Management Policies Plan. Additionally, the proposal fully complies with the provisions of the recently updated NPPF and National Planning Practice Guidance.

It is therefore respectfully requested that Members grant outline planning permission subject to conditions and the completion of a S106 agreement in accordance with the Officer recommendation.



## PLANNING HISTORY

There is no specific planning history relating to the site itself, but the following permissions relate to land in the immediate vicinity of the site.

19/01325/RMM: Application Permitted: 20/04/21 - Major reserved matters: Construction of 19 dwellings (phase 3)

15/01776/VAR1A: Application Permitted: 05/09/18 - Modification of Planning Obligation, reference LC/S106/16/58 relating to Planning Application reference 15/01776/OM.

15/01776/OM: Application Permitted: 03/08/16 - OUTLINE APPLICATION WITH SOME MATTERS RESERVED: Residential development.

## RESPONSE TO CONSULTATION

**Parish Council:** Gayton Parish Council accept the principle of development in view of the contributions of the dwellings to provide first homes, affordable housing and self-build plots, but **OBJECT** in the strongest possible terms to the statement that there is capacity in the sewage and water infrastructure.

Gayton Parish Council would also like to draw attention to the fact that this land is outside of the development boundary and does not align with policies set out in the adopted Gayton Neighbourhood Plan.

**Highways Authority (NCC): NO OBJECTION** The site takes access through Howards Way. A 5m wide road with 1.5m wide footways through the site would be acceptable to accommodate the proposed 15 dwellings.

It is noted layout is not marked for consideration at this time, however we would advise in instances where the entrance to a dwelling is 45m+ from the estate road a size 3 turning head would be required. Based on the indicative layout (720D/23-401-RevB) the shared private drive serving plots 6-13 would require a size 3 turning head. This should be addressed in the reserved matters application.

Should your Planning Committee be minded to approve the application we would recommend conditions relating to details of roads, footways, street lighting and foul and surface water drainage thereof and binder course surfacing before first occupation are appended to the decision notice.

**PROW (NCC): NO OBJECTION** Gayton FP2 is in close proximity to the site (along its eastern boundary.) Details of the full legal extent of the footpath will need to be submitted as part of the reserved matters application and development must not encroach onto the PROW which must remain clear and unobstructed both during and after construction.

**Planning Policy Team (BCKLWN): NO OBJECTION** The provision of affordable housing and custom / self-build housing should be balanced against the fact that the development lies outside of the development boundary and is therefore contrary to the Development Plan including the Neighbourhood Plan.

**Housing Team (BCKLWN): NO OBJECTION** subject to securing affordable housing (in this instance 3 units would be required, 2 for affordable rent and 1 for First Homes) by S106 Agreement.

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However, I note the applicant has also proposed 2 additional units as First Homes, taking the total number of affordable units to 5. I can confirm we are happy to accept this proposal, the additional First Homes will need to be secured via the S.106 agreement.

The application also proposes 10 plots as Self & Custom Build, our Planning Policy team should provide comments on this matter.

**Planning Obligation Team (NCC):** The following infrastructure will need to be funded through CIL:

- 2no. high school places
- 0.15 SEND places (Special Education Needs and Disabilities)
- £1,500 library contribution.

Additionally, one fire hydrant will need to be provided at the developer's expense.

**Lead Local Flood Authority (NCC): NO COMMENTS TO MAKE** because the scale of development is below the threshold for comment. Standing advice should be followed.

**Internal Drainage Board: NO OBJECTION** Having taken a look at the surface water drainage strategy, it appears that a strategy utilising soakaways, an infiltration basin, and the use of water butts does appear to be suitable for the site. If these plans change for any reason and a surface water discharge is proposed to a watercourse within the watershed catchment of the Board's IDD then we request that this be in line with the non-statutory technical standards for sustainable drainage systems (SuDS), specifically S2 and S4. Resultantly we recommend that the discharge from this site is attenuated to the Greenfield Runoff Rates wherever possible.

#### **Anglian Water: NO OBJECTION**

*Wastewater Treatment:* The foul drainage from this development is in the catchment of Grimston Water Recycling Centre that will have available capacity for these flows.

The site is served by Grimston Water Recycling Centre, the outfall for which discharges outside the Natural England Nutrient Neutrality boundary.

*Used Water Network:* The proposed foul drainage serving the new 15 properties will utilise the on-site main Anglian Water public sewer, the sewer indicated in the above drawing is a 100mm designated foul sewer and still under a private ownership. We would need a clear drainage layout plan showing where in the Anglian Water Network the proposed foul flows from the development are to be discharged into Anglian Water foul sewer network. We are unable to make capacity assessments on private sewers. We would like to be consulted when a drainage plan indicating the proposed connection point into the Anglian Water network, a connection regime and proposed discharge rates if a connection is a pumped connection is submitted so that a full network assessment can be made. We therefore request a condition requiring phasing plan and/or on-site drainage strategy.

*Surface Water Drainage:* 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.

**Community Safety and Neighbourhood Nuisance (BCKLWN):** We have **NO OBJECTION**. However, noting the Anglian Water comments, we would concur and request full and comprehensive foul drainage details are required via a planning condition at this outline stage.

We would also request conditions for a Construction Management Scheme, given the site will be accessed via a residential route and is bordered by dwellings (which may all be completed prior to this site commencing), external lighting (given the rural edge of village location) and details of air source heat pumps.

**Environmental Health & Housing – Environmental Quality (BCKLWN): NO OBJECTION**

*Contaminated Land* Due to the recommendation for further investigations of the site in the desk study report submitted with the application is it recommended that the full suite of contamination conditions be appended to any permission granted.

*Air Quality:* Traffic from an additional 15 dwellings would be unlikely to cause a significant change to local air pollution and therefore we would not object to this change.

However, in terms of improving air quality / mitigation, we would expect the development to achieve high standards of sustainable design as guided by core policy CS08 which sets out a minimum of 10% energy from renewable / low carbon (heating) systems from larger major applications. These systems can help to improve air quality (zero NOx) through the generation of cleaner energy. As heating tends to be the predominant form of energy use, as long these fully incorporated, including the custom / self-build this should help satisfy this policy. Cleaner also would preclude solid fuel heating systems. Further information is sought to be secured via condition.

**Historic England: NO OBJECTION** The application site lies c.260m east of the scheduled monument 'Medieval and early post-medieval settlement remains 570m west of Jubilee Farm' and c.580m south of the 'Medieval settlement remains 500m west of Well Hall' scheduled monument.

Historic England does not consider that the proposed development would have an appreciable impact on the significance of these designated heritage assets. Historic England has no objection to the application on heritage grounds.

We suggest that you seek the views of your specialist conservation and archaeological advisers as appropriate.

**Conservation Team (BCKLWN): NO COMMENTS TO MAKE** The Conservation Team have no comments to make on this application as it will not affect the setting or appearance of any listed building or conservation area.

**Historic Environment Team (NCC): NO OBJECTION** There are no known archaeological implications.

**Natural England: NO OBJECTION** subject to securing appropriate mitigation which in this instance should be the GIRAMs payments.

The submitted Habitats Regulations Assessments (shadow appropriate assessment) is of a standard that can be adopted by the Local Planning Authority as competent authority, and Natural England agrees with its conclusion that securing appropriate mitigation (GIRAMs payment) will mean that the development would not result in adverse impacts on protected sites as a result of recreational pressure.

**Senior Ecologist (BCKLWN): NO OBJECTION.** Given that the site is cleared and subject to the disturbance of the surrounding building site, it is unlikely that protected species or habitats are present within the site. However, the following should be secured by condition:

- Biodiversity Net Gain (as required by the Neighbourhood Plan),
- The hedgerow present on the northern boundary should be retained,
- External lighting should be conditioned,
- The scheme should include either a bat or bird box / tube within the structure of buildings at a rate of one box / tube per unit and hedgehog gaps be provided beneath fences and garden gates at a rate of 2 per dwelling. These provisions should be clearly mapped on landscaping plans that will be required at the reserved matters stage.

Natural England have identified a requirement for GIRAMS to offset recreational impacts to European protected sites. A sHRA has been submitted to cover this requirement. A payment of the tariff will be required at reserved matters (and will be charged at the current rate) in order to secure the necessary mitigation.

**Arboricultural Officer (BCKLWN): NO OBJECTION** I would expect and Landscape proposals to be submitted at the reserved matters stage to include street trees in accordance with para 136 of the NPPF.

There are issues with the landscaping of earlier phases of the wider paddock site and by highlighting the requirement for trees to be carefully considered in the site layout with adequate space provided above and below ground for their successful establishment and future growth should avoid the same issues on this phase. No other comments at this point.

**Waste and Recycling Team (BCKLWN): OBJECT** Thank you for the consultation on this application. The estate road is not intended to be adopted and therefore I must require that the bin presentation will be at the point where the existing turning head on the type 3 road meets the application site. Presenting bins at this point will cause disamenity to adjoining occupiers and therefore I am obliged to **OBJECT**.

The estate road should be built to an adoptable standard and formally adopted.

**Open Space Team (BCKLWN): NO COMMENTS TO MAKE.**

**Norfolk Fire and Rescue: NO OBJECTION** A fire hydrant should be secured by condition at the developer's expense.

**Carrow Fire Station: NO OBJECTION** Comments made in relation to building regulation requirements.

**Norfolk Constabulary: NO OBJECTION** The Designing out Crime Officer gave recommendations which should be incorporated into any reserved matters application, which can be summarised as:

- The entrance to the site should have an obvious 'symbolic barrier' to give the impression that the area beyond is private,
- Blank windowless elevations overlooking the public environment should be avoided,
- Anonymous space should be avoided,
- Excessive permeability should be avoided, and the development should not be linked to the existing right of way to the east of indicative plots 8 and 9,
- A mixture of defensible planting and boundary treatments of 1.5m with 0.3m trellis or railings should be incorporated to aid natural surveillance,
- Lighting should offer a uniform spread of white light, and
- The houses themselves should incorporate physical security elements.

**CIL Team (BCKLWN):** If this application is going to come forward as a 'phased development' with a separate RM for each 'self-build' plot, the proposal must make reference to 'phased planning permission' in the description.

In addition, 'phased' conditions must be included e.g., 'Prior to commencement of any phase, or prior to commencement of phase 1, or prior to commencement of each RM' This will allow each plot to be sold off and the purchasers to apply for a CIL 'self-build' exemption.

If the OM is not phased, then on commencement of any plot, work will have deemed to have commenced for the whole development, full payment will be due and no self-build exemptions can be granted.

I would also advise that a phasing plan be submitted to show how the proposal will be brought forward to development. May consider Phase 1 as access, ground works.

## REPRESENTATIONS

**ONE** third party has written in relation to the proposed development **NEITHER OBJECTING NOR SUPPORTING**. The author writes *"With the approval of this further development of Howard's way, I will find my family home transformed from being surrounded by fields to houses.*

*Looking at the proposal my last unspoiled view is to the north of my property where I currently have a small copse which I believe is the remains of the Orchard, in it are apple and plum trees while also being the home for wildlife including rabbits and hedgehogs.*

*I feel that the removal of this area would be overbearing to me and my family having once just had the views of fields. While I appreciate all my neighbours have been affected by the development, Orchard Cottage is the only property that has been surrounded by new developments on all the boundaries which is becoming overbearing and detrimental to the value of my home.*

*I would ask the Committee if the planning were approved for the small area of trees on my North Boundary to remain as a sanctuary for wildlife and retain some natural beauty to be enjoyed all."*

## LDF CORE STRATEGY POLICIES

**CS01** - Spatial Strategy

**CS02** - The Settlement Hierarchy

**CS06** - Development in Rural Areas

**CS08** - Sustainable Development

**CS09** - Housing Distribution

**CS11** – Transport

**CS12** - Environmental Assets

**CS13** - Community and Culture

**CS14** - Infrastructure Provision

## **SITE ALLOCATIONS AND DEVELOPMENT MANAGEMENT POLICIES PLAN 2016**

**DM1** – Presumption in Favour of Sustainable Development

**DM2** – Development Boundaries

**DM8** – Delivering Affordable Housing on Phased Development

**DM15** – Environment, Design and Amenity

**DM17** - Parking Provision in New Development

**DM19** - Green Infrastructure/Habitats Monitoring & Mitigation

## **NEIGHBOURHOOD PLAN POLICIES**

Policy G9 - Residential Development and Design

Policy G11 - Development and Foul Waste Water

Policy G12 - Dark Skies

Policy G15 - Roads and Green Infrastructure

Policy G16 - Development and Biodiversity

Policy G18 - Rural routes for non-motorised users: The rural footpath network and the public rights of way network

Policy G19 - Maintaining a walkable and well-connected village.

Policy G21 - Car and bicycle parking policy

Policy G25 - Community Facilities

Policy G1 - A Spatial Strategy

Policy G2 - Development and Character

Policy G5 - Affordable Housing

Policy G6 - Housing Mix

## **NATIONAL GUIDANCE**

National Planning Policy Framework (NPPF)

Planning Practice Guidance (PPG)

National Design Guide 2021

## **PLANNING CONSIDERATIONS**

The main considerations in the determination of this application are:

Principle of Development

Form and Character

Highway Issues

Residential Amenity

Drainage

Trees and Hedgerows

Ecology, Biodiversity and Protected Sites

S106 Considerations

Crime and Disorder

Other Material Considerations

Taking each in turn:

**Principle of Development:**

Achieving sustainable development is the overarching aim of the NPPF and Paragraph 8 of the NPPF expands on the basis for achieving this which is balancing economic, social and environmental objectives. Paragraph 8 of the NPPF states *Achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives):*

- a) *an economic objective – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;*
- b) *a social objective – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering well-designed, beautiful and safe places, with accessible services and open spaces that reflect current and future needs and support communities’ health, social and cultural well-being; and*
- c) *an environmental objective – to protect and enhance our natural, built and historic environment; including making effective use of land, improving biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.*

In achieving this, planning law requires that application for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise (para 2, NPPF.)

The development plan comprises the Core Strategy, 2011 (CS), the Site Allocations and Development Management Policies Plan, 2016 (SADMP) and the Gayton and Gayton Thorpe Neighbourhood Plan, 2019.

The development represents development outside of the development boundary for Gayton as shown both in the SADMP and Gayton Neighbourhood Plan. The development would therefore be on land designated as countryside.

Residential development in the countryside is generally resisted at both national and local level unless essential for agriculture or forestry to ensure the protection of the intrinsic character and beauty of the countryside.

Development Plan Policy CS06 states *Beyond the villages and in the countryside, the strategy will be to protect the countryside for its intrinsic character and beauty, the diversity of its landscapes, heritage and wildlife, and its natural resources to be enjoyed by all. The development of greenfield sites will be resisted unless essential for agricultural or forestry needs* and Neighbourhood Plan Policy G1 states *Outside this boundary, development will be restricted to:*

- a) *development for agriculture, horticulture and outdoor recreation uses;*
- b) *uses appropriate to supporting a rural economy (rural employment uses and sustainable rural tourism) where such uses need to be located in the countryside and where they respect the character of the parish countryside and comply with other provisions in the development plan;*
- c) *renewable energy generation consistent with national and Local Plan policy, where proposals accord with other provisions in the development plan;*
- d) *sites allocated as part of the development plan and where the proposed development accords with the principles established in the site allocations; and*

- e) *small scale rural exception housing on the edge of the Gayton village development boundary for people with a parish connection.*

However, in this instance there are material considerations that need to be considered in the planning balance, and especially against the policy background. These are namely the characteristics of the site and its location, and the provision of additional affordable housing and custom and self-build development.

In relation to affordable housing paragraph 82 states *In rural areas, planning policies and decisions should be responsive to local circumstances and support housing developments that reflect local needs, including proposals for community-led development for housing. Local planning authorities should support opportunities to bring forward rural exception sites that will provide affordable housing to meet identified local needs and consider whether allowing some market housing on these sites would help to facilitate this.*

Neighbourhood Plan Policy G5 states *Residential development proposals should deliver affordable housing in line with affordable housing standards set out in the Local Plan. In the case of First Homes (as defined in the supporting text to Policy G7), these should be offered to people with a local connection (as defined in the glossary to this plan) on a preferential basis.*

*Where affordable housing units are being provided as part of a larger market housing scheme or together with market housing, the affordable housing unit should be designed as integral to the scheme and be generally indistinguishable from open market housing.*

Of the 15no dwellings proposed five would be affordable. To be policy compliant only three are required of which two should be affordable rent and one a first home. However, in this instance five affordable units are proposed of which three would be first homes and would therefore be secured, within the S106 Agreement, to be for people with a local connection first. A person with a local connection to the parish means

- 1) *Existing residents of Gayton parish who have lived in the village for more than 3 years;*
- 2) *Past residents of Gayton parish who have lived there for more than 5 years and moved away within the last 3 years to another location within the area of the Borough Council of King's Lynn & West Norfolk, or existing residents who have been living in Gayton for more than 12 months and have been in the area of the Borough for more than 3 years;*
- 3) *Those with permanent employment in Gayton parish;*
- 4) *Existing residents of the surrounding parishes of Grimston, Great Massingham, West Acre, East Walton, East Winch, and Leziate (see map in Figure 26) who have lived there for more than 3 years, or existing residents of Gayton who have been living in Gayton for less than 12 months but have been resident in Gayton or the surrounding parishes mentioned above for the last 3 years;*
- 5) *Existing residents of Gayton who have lived in Gayton for less than 12 months and have lived in the area of the Borough for more than 3 years.*
- 6) *Existing residents of the area of the Borough who have been living in the areas for more than 5 years.*

Therefore, an additional two affordable units are proposed both of which would be first homes and both of which would therefore be secured for people with a local connection first.

In relation to custom and self-build, Paragraph 70b of the NPPF states *Small and medium sized sites can make an important contribution to meeting the housing requirement of an area and are often built-out relatively quickly. To promote the development of a good mix of sites local planning authorities should: seek opportunities, through policies and decisions, to support small sites to come forward for community-led development for housing and self-build and custom-build housing.*



The LPA has experienced some difficulty in demonstrating that it has met the need for custom and self-build development in the past.

Section 2A(2) of the Levelling-up and Regeneration Act 2023, states that *An authority to which this section applies must give development permission for the carrying out of self-build and custom housebuilding on enough serviced plots of land to meet the demand for self-build and custom housebuilding in the authority's area in respect of each base period.*

The remaining 10no dwellings would be specifically for custom / self-build which would again be secured within the S106 Agreement. The proposal would therefore help to meet an identified need in the borough for Custom and Self-build development.

The provision of affordable housing in excess of policy requirements and custom / self-build units are material considerations that weigh heavily in favour of the proposed development.

Additionally, the site is in a highly sustainable location within easy walking distance of the services and facilities provided by Gayton, a Joint Key Rural Service Centre, and has built form on three of its four sides.

Whilst being material considerations officers consider carry significant weight the starting point is still that the development represents a departure from the development plan and careful consideration needs to be given to other aspects of the development when considering whether material considerations should outweigh this departure.

#### **Form and Character:**

In summary, paragraph 135 of the NPPF requires development to:

- function well and add to the overall quality of an area,
- be visually attractive and sympathetic to local character,
- establish a strong sense of place,
- optimise the potential of the site,
- support local facilities and
- create places that are safe, inclusive with a high standard of amenity for all.

This is reiterated in Development Plan Policies CS08 and DM15.

Neighbourhood Plan Policy G2 states *As appropriate to their scale, nature and location, development proposals should be of high-quality design, contribute positively to the street scene and must preserve or enhance the settlements of Gayton and Gayton Thorpe by:*

- a) *Recognising and reinforcing the distinctive character.*
- b) *Ensuring buildings are of a scale, layout, height and density that are in harmony with the distinctive features of the built environment and landscape in the immediate vicinity.*
- c) *Ensuring choice of materials and new boundary treatments complement the local character in immediate surroundings and wider area with respect to materials and design.*
- d) *Incorporating sustainable design and construction measures, energy efficiency measures and measures which will help towards climate change mitigation and adaptation*
- e) *Retaining and enhancing vegetated boundaries, particularly those of intact hedgerows and trees.*

Neighbourhood Plan Policy G2 is reinforced by Policy G9 where it relates to residential development and design.

Given the outline nature of the application it is not possible to fully consider form and character. However, the site has built form to three of its four boundaries and the

information submitted with the application suggests that the development will follow the style, material and detailing of the adjacent development.

When considering the impact of the development on the intrinsic character and beauty of the locality, the development would be read in conjunction with the surrounding built form and would 'round off' existing development retaining the existing hedgerow that separates the site from the wider countryside. In this particular instance it is not considered that the development would appear alien in any long public views.

Full consideration will be given to form and character by virtue of reserved matters application(s) that will contain details of scale, appearance, layout, and landscaping.

However, it is considered that the proposed indicative development accords with the above overarching policies relating to form and character and that, in this regard, the development would accord with the NPPF in general and specifically to paragraph 135 of the NPPF, Development Plan Policies CS08 and DM15 and Neighbourhood Plan Policy G2.

### **Highway Issues:**

Paragraphs 114, 115 and 117 of the NPPF relate specifically to sustainable transport, safe and suitable access for all, the design of streets, highway standards and parking provision. These issues are reiterated in Development Plan Policies CS11, DM15 and DM17 which require development to, amongst other things, reduce the need to travel (by providing development in sustainable locations), provide safe and convenient access for all modes and provide parking in line with residential parking standards which require 1 space for a 1-bed unit, 2 spaces for 2 and 3-bed units and 3 spaces for 4 or more-bed units.

Neighbourhood Plan Policy G21 states *Development proposals which would compromise pedestrian safety or give rise to additional traffic movements or congestion which would have an unacceptable effect on the residential amenity of properties in the immediate locality or which would unacceptably detract from the rural nature of the village will not be supported.*

Given the outline nature of the application these issues cannot be fully considered under RM stage. However, the Local Highway Authority raise no objection, subject to conditions, to the proposed development based on highway safety.

Paragraph 104 of the NPPF requires planning decisions to protect and enhance public rights of way and access. A public right of way runs to the east of the site. The full extent of this will need to be agreed and retained unobstructed both during and after construction and will be covered by an appropriate condition.

It is therefore considered that highway issues can be suitably conditioned or addressed at RM stage and that in that respect the development accords with the NPPF in general and specifically to paragraphs 104, 114, 115 and 117 of the NPPF, Development Plan Policies CS11 and DM15 and Neighbourhood Plan Policy G21.

### **Residential Amenity:**

Policies outlined previously in this report under the section Form and Character (paragraph 135 of the NPPF, Development Plan Policy DM15 and Neighbourhood Plan Policy G9) require development to take account of residential amenity and require consideration to be given to overlooking, overbearing and overshadowing impacts to ensure a high standard of amenity for both existing and future occupants.

However, given the outline nature of the proposed application it is not possible to consider the impacts on existing or inter-developmental relationships. At RM stage full consideration would be given to overlooking, overbearing, and overshadowing impacts. It is however considered, given the size of the site, that any unacceptable impacts could be designed out.

### **Drainage:**

Paragraph 175 of the NPPF requires major developments to incorporate sustainable drainage systems unless there is clear evidence that this would be inappropriate. This is reiterated in Development Plan Policies CS08 and CS12.

Policy G11 of the Neighbourhood Plan deals with development and foul wastewater and states *As appropriate to their scale, nature and location development proposals should incorporate measures to minimise foul water discharge into the sewerage system and ensure that such measures do not have an unacceptable impact on the amenity of the immediate locality.*

Policy G10 relates to surface water flooding and is concerned with sites at risk of surface water flooding, which this site is not.

Anglian Water have confirmed that there is capacity in the system for foul and used water, but they require further details to be secured by pre-commencement condition. This is not unusual for an outline application.

The Internal Drainage Board are satisfied with the surface drainage water strategy, that includes a SUDS feature, that accompanied the application. However, because this strategy is based on indicative plans it is considered reasonable and necessary to condition surface water drainage. The applicant is in agreement with this.

Whilst drainage problems have occurred in Gayton previously, and therefore drainage is of significant concern to the parish council who object to the proposed development on the basis of drainage, the lack of objection (subject to suitable controls) from Anglian Water and the IDB, who are aware of the issues in the area, and the securing of additional information by condition suggests that drainage can be suitably controlled and cannot form the basis of a reason for refusal of the application.

It is therefore considered that drainage can be suitably addressed. Therefore, in this regard, the development accords with the NPPF in general and specifically to paragraph 175 of the NPPF, Development Plan Policies CS08 and CS12 and Neighbourhood Plan Policy G11.

### **Trees and Hedgerows:**

Trees are an important aspect of design and are required in both the NPPF and Neighbourhood Plan.

Support in the NPPF is reiterated in Neighbourhood Plan Policy G15 that states *Where new roads are provided as part of new development proposals, opportunities for green infrastructure should be maximised, including: a) incorporating generous grass verges similar to existing good examples in Gayton such as The Birches Estate and Winch Road b) appropriate tree planting and other landscaping.*

The LPA's arboricultural officer confirms that street trees can be incorporated into the landscaping proposals at reserved matters stage, and this would be suitably conditioned if permission were granted.

The existing hedgerow to the north of the site will be conditioned to be retained.

It is therefore considered that tree provision and hedgerow protection can be suitably conditioned. Therefore, in this regard, the development accords with the NPPF in general and specifically paragraph 136 of the NPPF and Neighbourhood Plan Policy G15.

### **Ecology, Biodiversity and Protected Sites:**

Paragraph 180d) of the NPPF requires planning decisions to *minimise impacts on and provide net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures.*

This is reiterated in Development Plan Policy CS12.

Neighbourhood Plan Policy G16 relates to development and biodiversity and requires *development proposals to demonstrate measurable net gain for biodiversity, and this should be achieved on site wherever practicable and in accordance with BS8683:2021-Process for designing and implementing Biodiversity Net Gain.*

The LPA's senior ecologist has recognised that the site itself it unlikely to accommodate protected species or habitats given its current use as a storage area for adjacent permitted development and the noise and activity associated with those developments. However, it is still appropriate to secure enhancements which can be secured by condition. These requirements can be added to the same condition that requires street tree provision within the landscaping plans submitted at reserved matters stage.

Statutory Biodiversity Net Gain (BNG) did not come into force until after this application was received and therefore this application is not subject to statutory BNG of 10%. However, the Neighbourhood Plan has a requirement to provide BNG although it does not specify a percentage.

The applicant has confirmed that they intend to provide 10% BNG and are happy for this to be secured by condition.

In relation to European protected sites both Natural England and the LPA's senior ecologist agree that the shadow Habitat Regulations Assessment (sHRA) submitted by the applicant is of a standard that can be adopted by the LPA as competent authority. The conclusion of the sHRA is that there would be no direct impacts and that indirect impacts can be mitigated by payment of the GIRAMS fee in line with Development Plan Policy DM19. This will be secured within the S106 Agreement.

In line with the LPA's senior ecologist's advice the following will be secured by condition or S106 agreement:

- Biodiversity Net Gain (as required by the Neighbourhood Plan),
- Retention of the northern hedgerow boundary,
- External lighting should be conditioned (both in terms of biodiversity and retaining dark skies as required by Neighbourhood Plan Policy,
- The scheme should include either a bat or bird box / tube within the structure of buildings at a rate of one box / tube per unit and hedgehog gaps be provided beneath fences and garden gates at a rate of 2 per dwelling. These provisions should be clearly mapped on landscaping plans that will be required at the reserved matters stage.

It is therefore considered that ecology, biodiversity, and protected sites can be suitably dealt with either by condition or within the S106 Agreement. Therefore, in this regard, the

development accords with the NPPF in general and specifically to paragraph 180d) of the NPPF, Development Plan Policies CS12 and DM19 and Neighbourhood Plan Policy G16.

### **S106 Considerations:**

A S106 Agreement will be required to secure 5no. affordable units of which 3no. will be first homes and would be for people with a local connection first, 10no. custom / self-build units, £221.17 per dwelling GIRAMS fee and £500 per clause monitoring fee.

All the above are considered to meet the three tests of a planning obligation set out in CIL regulation 122.

### **Crime and Disorder:**

There are no specific crime and disorder issues arising from the proposed development.

As set out in the consultation responses, the Designing out Crime Officer has given recommendations to the applicant which could be incorporated into any reserved matters application. The officer will be able to comment further on a reserved matters scheme should permission be granted.

### **Other Material Considerations:**

The Waste and Recycling Team object to the proposed development on the basis that the road serving the development is to be a private drive and not an adoptable highway and therefore bin collection points will need to be where the existing adopted highway meets the site which could result in disamenity to occupiers of dwellings adjacent to this point.

Disamenity is not a consideration of the waste and recycle team and it is considered that a suitable scheme could come form at reserved matters stage. This can be suitably conditioned if permission is granted.

### **Planning Balance and Conclusion:**

#### *Planning Balance:*

As outlined at the beginning of this report achieving sustainable development is the overarching aim of the NPPF and Paragraph 8 of the NPPF expands on the basis for achieving this which is balancing economic, social and environmental objectives.

Taking each aspect in turn:

*An economic objective:* the development would provide 15 dwellings which in turn would provide residents who in turn would help to sustain key community facilities. This weighs in favour in the planning balance.

*A social objective:* the development would provide 15 dwellings that range in size (between 2 and 5-beds) and type (affordable and custom / self-build) in a sustainable location with easy access to the centre of the Gayton. This weighs in favour in the planning balance.

*An environmental objective:* the site has limited ecological value and the provision of 10% BNG weighs in favour in the planning balance.

It is acknowledged that the development does not accord with locational policies in the development and neighbourhood plans due to the site being outside of the development boundary. However, for the reasons outlined in the report above, it is considered, in this

instance, there are specific material considerations that outweigh this departure from the development plan and suggest the development should be approved.

## **CONCLUSION:**

Planning law requires that applications for planning permission be determined in accordance with the development plan unless material consideration indicate otherwise.

The development represents a development outside of the development boundary and is therefore in conflict with development plan policies that seek to restrict residential development to sites within the development boundary.

However, the development would provide 5no affordable dwelling, of which three would be secured for people with a local connection and 10no custom / self-build houses on a site in a highly sustainable location in easy walking distance from a number of services and facilities provided by Gayton, a Key Rural Service Centre.

The above report has also shown that the development would not have a detrimental impact on the intrinsic character and beauty of the countryside (one of the main reasons for containing development within development boundaries) principally by virtue of its containment within a site bounded on three sides by existing / permitted built form and a hedge that clearly defines the site's separation from the wider open countryside. It therefore could be argued to represent a sensible rounding off of the site.

The above report has also shown that issues relating to form and character, residential amenity, highway safety, drainage, landscaping, trees and biodiversity and ecology can all be suitably controlled by condition. Whilst objections remain from the Parish Council and Waste and Recycling team in relation to drainage and waste collection, it is considered that they aspects can likewise be suitably addressed by condition. Furthermore, it should be noted, in relation to drainage, that neither Anglian Water nor the Internal Drainage Board object to the proposed development, again subject to condition.

Overall members will need to consider whether they agree with the officer view that in this instance it is considered that there are material considerations that indicate that the development can be determined contrary to the development plan. It is therefore recommended that this application be approved subject to completion of a S106 Agreement securing 5no. affordable units of which 3no. (first homes) would be for people with a local connection first, 10no. custom / self-build units, £221.17 per dwelling GIRAMS fee, and £500 per clause monitoring fee.

## **RECOMMENDATION:**

**APPROVE** subject to the imposition of the following condition(s):

- 1 Condition: Approval of the details of layout, scale, appearance and landscaping of the site (hereinafter called 'the reserved matters') shall be obtained from the Local Planning Authority before any development is commenced.
- 1 Reason: To comply with Section 92 of the Town and Country Planning Act, 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act, 2004.

- 2 Condition: Plans and particulars of the reserved matters referred to in Condition 1 above shall be submitted to the Local Planning Authority in writing and shall be carried out as approved.
- 2 Reason: To comply with Section 92 of the Town and Country Planning Act, 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act, 2004.
- 3 Condition: Application for the approval of reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.
- 3 Reason: To comply with Section 92 of the Town and Country Planning Act, 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act, 2004.
- 4 Condition: The development hereby permitted shall be begun not later than the expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the latest such matter to be approved.
- 4 Reason: To comply with Section 92 of the Town and Country Planning Act, 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act, 2004.
- 5 Condition: Prior to the commencement of groundworks on any phase of the development hereby permitted, 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 that phase of 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, and
  - (iii) an appraisal of remedial options, and proposal of the preferred option(s).
- This must be conducted in accordance with the Environment Agency's Land Contamination Risk Management (LCRM).
- 5 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 in accordance with the NPPF and Development Plan Policy DM15. This needs to be a pre-commencement condition given the need to ensure that contamination is fully dealt with at the outset of development.
- 6 Condition: Prior to the commencement of groundworks on any phase of the development hereby permitted, a detailed remediation scheme to bring that phase of the development 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 the land after remediation.

- 6 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 in accordance with the NPPF and Development Plan Policy DM15. This needs to be a pre-commencement condition given the need to ensure that contamination is fully dealt with at the outset of development.
- 7 Condition: The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of groundworks on each phase of the development hereby permitted, 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.
- 7 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 in accordance with the NPPF and Development Plan Policy DM15.
- 8 Condition: In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of condition 5, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 6, which is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with condition 7.
- 8 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 in accordance with the NPPF and Development Plan Policy DM15.
- 9 Condition: No development shall commence on each phase of the development hereby permitted until full details of the foul and surface water drainage arrangements for that phase of the development have been submitted to and approved in writing by the Local Planning Authority. The drainage details shall be constructed as approved before any part of that phase of the development is brought into use.



- 9 Reason: To ensure that there is a satisfactory means of drainage in accordance with the NPPF, Development Plan Policies CS08 and CS12 and Neighbourhood Plan Policy G11. This needs to be a pre-commencement condition as drainage is a fundamental issue that needs to be planned for and agreed at the start of the development.
- 10 Condition: Prior to commencement of development on any phase of the development hereby permitted a detailed construction management scheme must be submitted to and approved by the Local Planning Authority for that phase of the development; this must include proposed timescales and hours of the construction phase, deliveries/collections, and any piling. The scheme shall also provide the location of any fixed machinery, their sound power levels, the location and layout of the contractor compound, the location of contractor parking, the location and layout of the materials storage area, machinery storage area and waste & recycling storage area, proposed attenuation and mitigation methods to protect residents from noise, dust, vibrations, lighting and litter and communication methods to the wider community regarding the construction phases and likely disruptions. If piling is required, full assessment of noise and vibration impacts should be included. The scheme shall be implemented as approved.
- 10 Reason: To ensure that the amenities of future occupants are safeguarded in accordance with the NPPF and Development Plan Policy DM15.
- 11 Condition: No works shall commence on any phase of the development hereby permitted until such time as detailed plans of the roads, footways, street lighting, foul and surface water drainage thereof for that phase have been submitted to and approved in writing by the Local Planning Authority. All construction works shall be carried out in accordance with the approved plans.
- 11 Reason: In the interests of highway safety in accordance with the NPPF and Development Plan Policies CS11 and DM15. This needs to be a pre-commencement condition to ensure fundamental elements of the development that cannot be retrospectively designed and built are planned for at the earliest possible stage in the development and therefore will not lead to expensive remedial action and adversely impact on the viability of the development.
- 12 Condition: Prior to the occupation of the penultimate dwelling of each phase of the development hereby permitted all works relating to that phase shall be carried out on roads / footways / street lighting / foul and surface water sewers in accordance with the specification approved under condition 11 to the written satisfaction of the Local Planning Authority.
- 12 Reason: To ensure satisfactory development of the site and to ensure estate roads are constructed to a standard suitable for adoption as public highway in accordance with the NPPF and Development Plan Policies CS11 and DM15.
- 13 Condition: Before any dwelling is first occupied in each phase of the development hereby permitted the road(s), footway(s), cycleway(s) for that phase of the development shall be constructed to binder course surfacing level from the dwelling unit to the adjoining county road in accordance with the details to be approved in writing by the Local Planning Authority.
- 13 Reason: To ensure satisfactory development of the site and to ensure the roads are constructed to a suitable standard in accordance with the NPPF and Development Plan Policies CS11 and DM15.

- 14 Condition: All road(s), footway(s) and cycleway(s) shall be fully surfaced prior to the first occupation of the penultimate dwelling in each phase of the development hereby permitted to the written satisfaction of the Local Planning Authority.
- 14 Reason: To ensure satisfactory development of the site and to ensure the roads, cycleways and footways are fully surfaced in the interests of highway safety and amenity in accordance with the NPPF and Development Plan Policies CS11 and DM15.
- 15 Condition: No dwelling shall be occupied in any phase of the development hereby permitted until details of the proposed arrangements for future management and maintenance of the proposed streets within the development have been submitted to and approved in writing by the Local Planning Authority. The streets shall thereafter be maintained in accordance with the approved management and maintenance details until such time as an agreement has been entered into under Section 38 of the Highways Act (1980) or a Private Management and Maintenance Company has been established.
- 15 Reason: To ensure safe, suitable, and satisfactory development of the site and to ensure estate roads are managed and maintained thereafter to a suitable standard in the interests of highway safety in accordance with the NPPF and Development Plan Policies CS11 and DM15.
- 16 Condition: Details of the full legal extent of Gayton FP2 shall be submitted as part of any reserved matters application and development must not encroach onto the PROW which must remain clear and unobstructed both during and after construction.
- 16 Reason: To protect the Public Right of Way in accordance with the NPPF and Neighbourhood Plan Policy G18.
- 17 Condition: No dwelling shall be occupied in any phase of the development hereby permitted until fire hydrant(s) have been provided in accordance with a scheme that has previously been submitted to and approved in writing by the Local Planning Authority.
- 17 Reason: In order to ensure that water supplies are available in the event of an emergency in accordance with the NPPF.
- 18 Condition: Any reserved matters application shall include a detailed outdoor lighting scheme. The scheme shall include details of the type of lights, the orientation/angle of the luminaries, the spacing and height of the lighting columns, the extent/levels of illumination over the site and on adjacent land and the measures to contain light within the curtilage of the site.
- 18 Reason: In the interests of minimising light pollution and to safeguard the amenities of the locality in accordance with the NPPF and Neighbourhood Plan Policy G12.
- 19 Condition: Any reserved matters application shall include a detailed Air Source Heat Pump (ASHP) scheme (if ASHPs are proposed.) The scheme shall specify the make, model and sound power levels of the proposed unit(s), the siting of the unit(s) and the distances from the proposed unit(s) to the boundaries with neighbouring dwellings, plus provide details of anti-vibration mounts, and noise attenuation measures.
- 19 Reason: In the interests of the amenities of the locality in accordance with the principles of the NPPF and Development Plan Policy DM15.

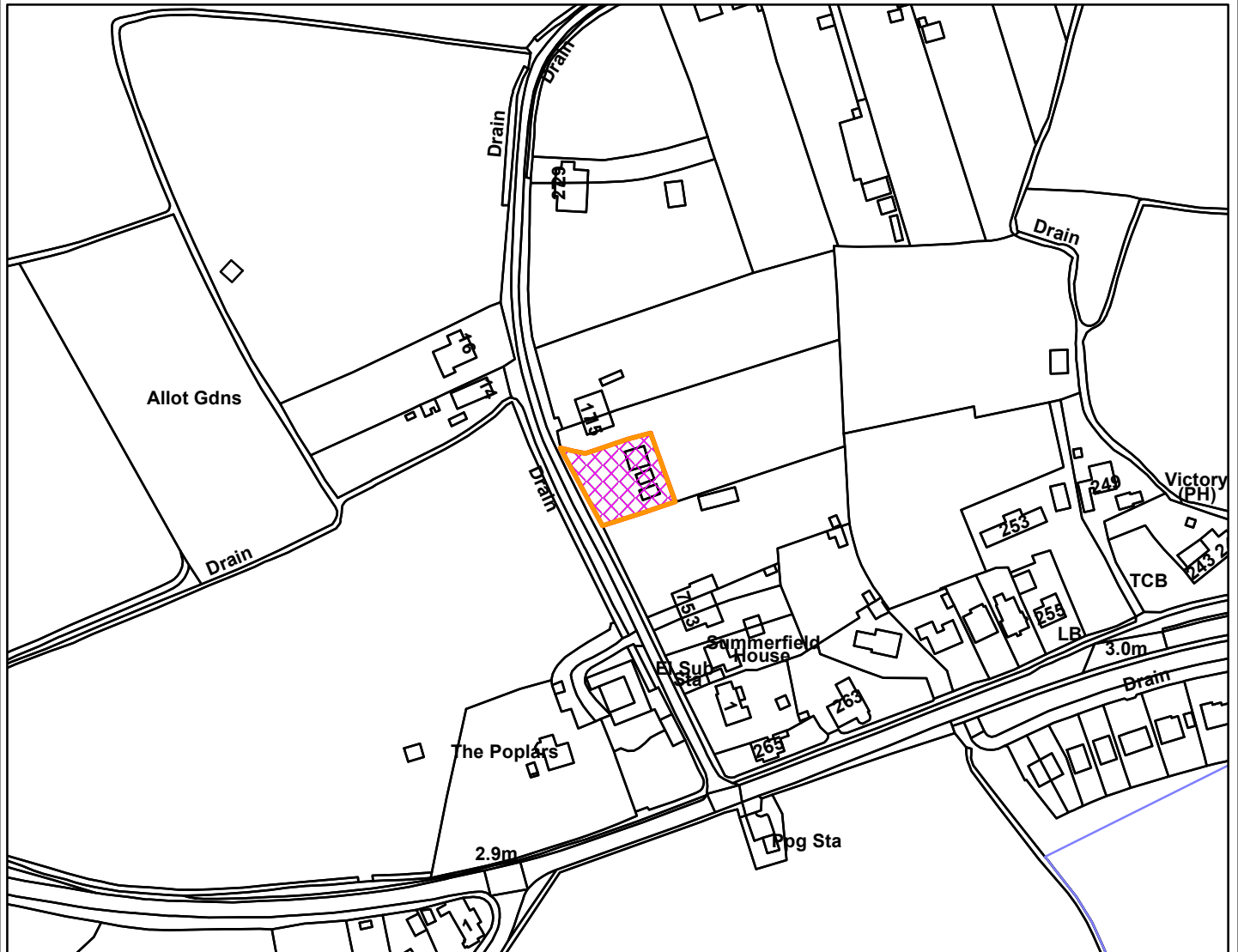
- 20 Condition: Any reserved matters application pertaining to landscaping of any phase of the development hereby permitted shall include details of street tree planting and ecological enhancements.
- 20 Reason: In the interests of the visual amenity of the proposed development in accordance with the NPPF, Development Plan Policy DM15 and Neighbourhood Plan Policies G2 and G15.
- 21 Condition: Prior to any development above slab level on each phase of the development hereby permitted a suitable energy report shall be submitted to the LPA and implemented as approved for that phase showing the percentage of renewable / low carbon energy sources.
- 21 Reason: To ensure the designs are sustainable and high quality that will lead to a reduction of emissions by the generation of cleaner energy in accordance with the NPPF, Development Plan Policy CS08 and Neighbourhood Plan Policy G9.
- 22 Condition: As part of the reserved matters submitted pursuant to condition 1 of this permission, details of how the development will enhance biodiversity (demonstrating a minimum of 10% biodiversity net gain) shall be submitted to and approved in writing by the local planning authority. The details shall include:
- Updated Metric calculations based on the detailed site layout and landscape scheme and calculated using the latest version of the Defra metric and up-to-date baseline habitat and condition assessments and justifications,
  - A Biodiversity Net Gain Plan, and
  - A timetable for implementation.
- The development shall be carried out in accordance with the approved details.
- 22 Reason: In the ecological interests of the proposed development and to ensure a net gain in biodiversity in accordance with the NPPF, Development Plan Policy CS12 and Neighbourhood Plan Policy G16.
- 23 Condition: Any reserved matters application associated with the development hereby permitted shall include a phasing plan.
- 23 Reason: For the avoidance of doubt and to ensure that the custom self-build houses can be built in accordance with CIL regulations.
- 24 Condition: In relation to access only, the development hereby permitted shall be carried out in accordance with drawing no: 720D/23 - 4001 Rev.B.
- 24 Reason: For the avoidance of doubt and in the interests of proper planning.
- 25 Condition: The development hereby permitted shall comprise of no more than 15 dwellings.
- 25 Reason: For the avoidance of doubt and in the interests of proper planning.
- 26 Condition: Prior to the first occupation of any dwelling in any phase of the development hereby permitted a scheme for the collection of waste and recycling shall be submitted to and agreed in writing by the Local Planning Authority. The development shall be carried out in accordance with the agreed scheme.

- 26 Reason: To ensure that waste and recycling is properly considered and that any scheme would not result in unacceptable disamenity in accordance with the NPPF and Development Plan Policy DM15.

**REFUSE** if S106 is not completed within 4 months of the date of this resolution to approve.



Land And Buildings SE of 15 Wildfields Road Clenchwarton PE34 4DE



**Legend**

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**Scale:** 1:2,500

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Organisation	BCKLWN
Department	Department
Comments	Not Set
Date	19/06/2024
MSA Number	0100024314



<b>Parish:</b>	<b>Clenchwarton</b>	
<b>Proposal:</b>	<b>Proposed conversion of garage to business use (Class E)</b>	
<b>Location:</b>	<b>Land And Buildings SE of 15 Wildfields Road Clenchwarton Norfolk</b>	
<b>Applicant:</b>	<b>Mrs S Adams</b>	
<b>Case No:</b>	<b>24/00385/CU (Change of Use Application)</b>	
<b>Case Officer:</b>	<b>Kirsten Jeavons</b>	<b>Date for Determination: 6 May 2024 Extension of Time Expiry Date: 8 July 2024</b>

**Reason for Referral to Planning Committee** – Officers recommendation is contrary to the views of the Parish council, and the application has been referred by Sifting Panel.

**Neighbourhood Plan:** No

**Case Summary**

Planning Permission is sought for the retrospective change of use from a Garage to Class E (Business Use).

The application site is located outside of the Development boundary of Clenchwarton, as identified by Inset Map G25 within the adopted Site Allocations and Development Management Plan (SADMPP 2016), however is located approx. 800m from the settlement boundary and the area surrounding is built up. Wildfields Road is located to the north of Main Road, Clenchwarton.

The application site consists of a detached, single storey, red brick garage, detached timber shed and barn and 4 green metal storage containers.

The garage is currently used as an office, design studio and storage accommodation for RESCA Activewear, which currently sells fitness clothing online.

The red line of the application site has been amended during the course of this application to restrict as well as better reflect the scale of the business on site.

**Key Issues**

- Principle of development
- Form and character
- Impact on neighbour amenity
- Highway safety
- Other material considerations

**Recommendation**

**APPROVE**

## **THE APPLICATION**

The application site is located outside of the development boundary of Clenchwarton, however is located approx. 800m from the settlement boundary.

The site is located to the east of Wildfields Road and the road is primarily made up of a mix of dwellings of different sizes and styles and countryside.

Planning Permission is sought for the retrospective change of use from a former domestic garage to Class E (Business Use).

The application has been amended during the course of this application to reduce the red line significantly, to finish at the rear of the existing buildings. The reduction of the red line was requested to mitigate the possibility of a large-scale business on site, as well as better reflecting the situation with other buildings on the site.

## **SUPPORTING CASE**

Summarised as follows:

- This application seeks the change of use of the exiting domestic garage formerly associated with 15 Wildfields Road, Clenchwarton to a Class E (g) use.
- This application is the culmination of a number of changes in circumstance which have impacted on the applicant following the untimely passing of her husband. Following this Mrs Adams was not able to keep the property once funds ran out and she sold the house in in 2023. However, as the garage was used for domestic storage at the time and to house some of her pet animals the garage was not sold with the house (No15) and is in separate title and still belongs to Mrs Adams.
- Mrs Adams would like to utilise the building for office and ancillary story use which is class E9(g) in the new use classes order. She intends to run her businesses and undertake her charitable work from the application building.
- The applicant recently bought RESCA Activewear' business- which is essentially an online sports clothing design and retailer.
- Mrs Adams is committed to the community in Clenchwarton and is involved in the (FOV) which organises:
  1. Tea parties in the park.
  2. Queens Platinum Jubilee.
  3. The Kings Coronation party.
  4. Mid December Christmas Tree Carole Service, where Santa gives out free presents.
  5. 5. Father Christmas / Santa Run.
  6. 6. Christmas Eve chocolate distribution
- The application building will be used as office, design studio and storage accommodation for this growing operation. No external alterations are proposed to the building and the use will not impact on local visual amenity.
- The garage is an existing building - currently without a lawful use as it has been severed from the curtilage of No15.



- In terms of operation Class E uses are by definition capable of being operation in a residential area without detriment to amenity and the low-key office and ancillary storage use proposed will have minimal impact on the residential amenity of adjacent properties. It will be used by a max of 2 people- the applicant and her sister, such that it does not create a material impact on the local highway network. There is adequate onsite parking and turning for 2 vehicles as shown on the layout plan. Deliveries to the site will be minimal (one van per week) and outgoing goods are posted by the applicant from the local post office.
- Also planning conditions were agreed for working hours and for specific use of (g)(i) 'an office to carry out any operational or administrative tasks' within Class E. This being a use, which can be carried out in any residential area without detriment to the amenity of that area by reason of noise, vibration, smell, fumes, smoke, soot, ash, dust or grit.
- It is therefore considered that the proposed change of use is consistent with material planning policy at both local and national levels. In addition, it will not have any adverse impact on local amenity or the local highway network. The use is in a low vulnerability category to flood risk as it poses no material harm to occupants.
- The Parish Council objected to the proposal siting the garage was being used for human occupation, we would like to confirm that the garage is only being used for business operations and not a separate dwelling.
- There are no technical consultee objections including Highways which have supported the application and the site has a separate planning approval for access (Ref: 23/01206/F).
- There will be no customers movements to the site/building as the business is purely online retail, so any vehicle movements will only be the applicants to and from site.
- A local Councillor also submitted objection comments siting 10 points around, highways, access, change of use, previous applications for residential and these have been addressed within this statement and during the planning process in conjunction with the planning officer.
- The company Resca is a registered limited company with Companies House, company number 14782208 and the applicant is the sole director. The company's website and online shop can be visited at <https://resca.co.uk/>.

## **PLANNING HISTORY**

23/01400/F: Application Refused: 09/10/23 - Conversion of Garage to Dwelling (retrospective) plus proposed first floor extension to create room in the roof living accommodation - Land South of 15 Wildfields Road.

23/01206/F: Application Permitted: 15/01/24 - Creation of Access (retrospective) - Land South of 15 Wildfields Road, Clenchwarton.

**RESPONSE TO CONSULTATION**

**Parish Council: OBJECTS**

Recommend refusal because the application is not correct to start with as the garage is no longer a garage and is being used for human occupation, so the application is invalid. A previous application for it to be used for a dwelling has been refused. Concerns about the possible increase of traffic as a result of the change of use on a little track road with no pavement.

**Highways Authority: NO OBJECTIONS**

I observe from the Design and Access Statement that the building is proposed to be staffed by 2 members only and that deliveries are around 1 van per week. At such scale and having visited the site I would be of the view that the associated low level of traffic could be safely accommodated, and we would not recommend an objection to that principle. But being mindful that Wildfields Road is narrow in parts and without safe pedestrian provision, we would recommend that the scale of the business be conditioned accordingly, to as to maintain the principle of a two staff business and low traffic generator.

**CSNN: NO OBJECTIONS**

No objection, based on the contents of the Planning, Design and Access Statement, and subject to conditions related to the use class, number of employees and deliveries, hours and waste and recycling facilities.

- Please note the current 'domestic' waste and recycling will not be permitted for a commercial venture. A commercial waste collection contract will be required.

**REPRESENTATIONS**

**NO THIRD PARTY** comments have been received.

Councillor Steven Bearshaw, Comments are summarised as follows:

- Wildfields is a single-track lane not suitable for business traffic. The land could be used for any size of business and is located outside the development boundary.
- No street paths for pedestrians.
- No sufficient turning space for deliveries and customers, blocking the lane while parking and reversing out of the site.
- The applicants don't have the right to cut back the neighbour's hedge and the visibility in and out of the business is completely blind.
- The existing garage has been converted into living accommodation, showing that the garage has been converted to a dwelling. The cars parked on the drive, with reports of a resident living at the address, would imply that the application should be a conversion from a dwelling and not a garage.
- Previous application 23/01400/F was rightly refused on various grounds and should be taken into consideration as part of this application.
- Outside the development boundary.
- Village suffers from flooding and the dyke holds a significant amount of water.
- Concerns about the relocating of telegraph and electric poles.

**LDF CORE STRATEGY POLICIES**

**CS01** - Spatial Strategy

**CS08** - Sustainable Development

**CS10** - The Economy

**CS11** - Transport

**SITE ALLOCATIONS AND DEVELOPMENT MANAGEMENT POLICIES PLAN 2016**

**DM15** – Environment, Design and Amenity

**DM2** – Development Boundaries

**NATIONAL GUIDANCE**

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

**PLANNING CONSIDERATIONS**

The main considerations are:

Principle of development

Form and character

Impact on neighbour amenity

Highway safety

Flood risk

Any other matters requiring consideration prior to determination of the application.

**Principle of Development:**

The application is a retrospective application for the change of use from a Garage to Class E (Business Use) at Land SE of 15 Wildfields Road, Clenchwarton. The site currently consists of a detached, single storey, red brick garage, detached timber shed and barn and green metal storage containers. The garage is currently used as an office, design studio and storage accommodation for RESCA Activewear (an online company selling fitness clothing). The storage containers on site are used to store goods relating to the business and charitable events which the applicant is involved and take place within the village of Clenchwarton.

The application site is located outside of the development boundary of Clenchwarton, as identified by Inset Map G25 within the adopted Site Allocations and Development Management Plan (SADMPP 2016), however is located close to the settlement boundary and main part of the village. Wildfields Road is located to the north of Main Road, Clenchwarton.

The existing garage was converted to living facilities while the adjacent neighbouring dwelling (15 Wildfields Road) was under the applicant's ownership. The applicant sold No.15 in 2023, however this sale did not include the garage and the land shown by the red and blue line on the Location Plan. Following the selling of No.15, a planning application (ref

24/01400/F) was submitted for the conversion of the garage to a dwelling, which was refused and following the refusal, the garage has been converted and used for business/storage purposes.

Policy DM2 of the SADMPP 2016 states that small scale employment development outside of the development boundary will need to be analysed against and comply with Policy CS10 of the Core Strategy 2011.

Policy CS10 states that the council will support rural employment exception sites located within the countryside if they satisfy the following criteria:

- It should be appropriate in size and scale to the local area;
- It should be adjacent to the settlement;
- The proposed development and use will not be detrimental to the local environment or local residents.

Paragraph 88 and 89 of the NPPF 2023 states:

Planning policies and decisions should enable:

- The sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed, beautiful new buildings.
- Should recognise that sites to meet local business and community needs in rural areas may have to be found adjacent to or beyond existing settlements, and in locations that are not well served by public transport. In these circumstances it will be important to ensure that development is sensitive to its surroundings, does not have an unacceptable impact on local roads.

The garage is an existing, single storey building and is considered to be appropriate in size and scale to the local area. Although the application site is located outside of the Clenchwarton Development Boundary, it is located within the wider village. The proposed use and its impacts are discussed below.

The red line has been reduced during the course of the application process. The line has been reduced to finish at the rear of the existing building and along the side of the relocated storage containers. The reduction in the proposal site, reduces the space available to extend and expand the business building and therefore ensures that a small-scale business onsite can be suitably controlled. There is an existing barn located to the south of the existing garage/ office building. The barn is used to keep pet birds (geese and chickens) on site and has been removed from the red line as the use of building is not associated with the proposed business use.

There are currently 4 storage containers on site which are used to store goods relating to the business and charity events which the applicant is involved in. Two of the containers are currently situated at the rear of the application site, shown by the blue line on the location plan and the other two storage containers are currently situated at the front of the application site. The storage containers at the front of the application site are to be relocated behind the existing 1.8m closed board fencing, running along the front (west) boundary and the storage containers located in the red line will be used for storage purposes in connection with the business and the charity events only.

Overall, for the reasons stated above the proposal is considered acceptable in principle. Other detailed impacts are set out below.

**Form and Character:**

No material changes or external alterations have been proposed to the garage. The existing storage containers at the front of the garage would be moved behind the existing 1.8m closed board fencing as shown on drawing number 6697/PL21 (Site Plan) to mitigate harmful visual impact of the containers and therefore it is considered that the proposal would not cause detrimental harm to the visual amenity of the street scene and character of the area.

**Impact on Neighbour Amenity:**

The proposal would not include any alterations to the size, scale and design of the garage/business building and therefore would not cause any increase in impact from overbearing, overlooking and overshadowing to the neighbouring dwellings.

The business is a small-scale business and conditions will restrict the use class, operation hours and permitted development rights will be removed to mitigate any detrimental impact to the amenity of the surrounding neighbours.

The hours of use for the business would be restricted to 09:00 - 17:00 Monday to Friday and 09:00 - 13:00 Saturdays only, with no business use on Sundays, Bank or Public Holidays. These hours have been agreed with the applicant and have been conditioned because the business would be in a residential area and the restricted hours would mitigate any adverse effect on neighbour amenity in accordance with Policy DM15.

The impact on neighbours is therefore considered to be acceptable and would be in accordance with Policy CS08 of the Core Strategy 2011 and Policy DM15 of the SADMPP 2016.

No objections have been received from the neighbours.

**Highway Safety:**

The application site is located down Wildfields Road, which is a single-track road without a pedestrian foot path. Highways were consulted on this application, and following a site visit, the highways officer commented that with the business being a small-scale business, with the Design and Access Statement stating the business will be staffed by 2 members and have approximately 1 delivery van per week, a low level of traffic would be generated and could be safely accommodated. It was recommended that use could therefore be suitable controlled by conditions.

The permission would be conditioned to ensure the application site is limited to a small-scale business, through restricting the use class and removing permitted development rights to ensure that the Local Planning Authority had some control should the business want to expand in this predominantly residential area. Planning permission would therefore be required to extend or alter the building and change between the Use Classes, which could result in an increase in the level of traffic. Following a discussion with the highways officer, they are satisfied that the conditions proposed could ensure that a low level of traffic is generated as a result of the change of use and have no objections on highway grounds.

No customers would be visiting the application site and the applicants take outgoing goods to the local post office instead of them being collected from site.

The application site provides adequate space for staff to park and small delivery vans to stop and manoeuvre at the front of the building (west of the application site).

It is therefore considered that the proposal would not materially impact on highway safety and would be acceptable and comply with the NPPF (2023), Policies CS08, CS11 and DM15 of the Local Plans.

**Flood Risk:**

The application site is located in Flood Zone 3, however the business use is acceptable in principle. The applicants have provided a flood risk assessment which covers flood risk mitigation, and it is recommended that the occupiers sign up to the Environment Agency flood warning system and prepare a flood evacuation plan.

**Specific comments and issues:**

To answer the remaining specific comments received from the Parish Council and Cllr Bearshaw, and that are not otherwise covered in the report, the following comments are made:

- The existing garage was never permitted to be used as living accommodation and therefore the description for the proposal being the change of use from a garage is correct and valid.
- The previous refusal is for a different use, and of little relevance to the consideration of this application.
- The red line for the proposal has been reduced significantly to finish at the rear of the existing building and the use Class will be conditioned to Class E (g)(i) only to safeguard a potential future larger-scale business onsite.
- If approved, conditions controlling hours of operation, specific use class and removal of permitted development rights have been recommended to protect neighbour amenity and to comply with the Highways and CSNN recommendations.
- The business is registered on company house, the applicant's intention is, if approval is granted for the application site to apply for a formal postal address and that the registered office address will be transferred to the new application site address.
- Although Wildfields Road is a single-track road, the business is considered to be a small-scale business which generates a low level of traffic. The application site provides adequate parking space for the employees and for small delivery vans to stop and manoeuvre. Furthermore, conditions have been proposed to ensure the level of traffic remains low and would not detrimentally impact neighbour's amenity. Although the application site is located outside of the development boundary, it is located within the wider village, and main part of this linear village, and is therefore acceptable in principle considering policy CS10.
- Other comments made regarding the neighbour's hedge, cars on site, dyke flooding and telegraph/ electric poles are not planning considerations related to this proposal.

**CONCLUSION:**

The change of use from a garage to a business (Class E), including the land surrounding it within the red line, is considered to be acceptable in principle and supported with the NPPF 2023 and Local Plan policy.

Although the application site is located outside of the development boundary of Clenchwarton, the site is located within the wider village, as per Core Strategy policy CS10's requirements. The building is an existing, single storey building, which is appropriate in size and scale to the local area and no amendments to the position, height, width and depth of the building have been proposed.

The proposed use would be restricted to Class E (g)(i) - an office to carry out operational or administrative functions only and the business is considered to be a small-scale business, with only two employees and no customers visiting the site, it is therefore considered that the business would not be detrimental to the local environment or local residents. The nature of the business is also such that it is unlikely to cause disamenity to neighbours. Additional conditions, restricting operational hours and removing permitted development rights would ensure that the Local Planning Authority can control the development, protecting the amenity of residential neighbours going forward.

**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, Drawing numbers:

6697/EX20B - EXISTING DRAWING 1 (Received 18/06/24)

6697/PL22A - PLANNING DRAWING 2 (Received 11/03/24)

6697/PL21 - PLANNING DRAWING 1 (PROPOSED SITE PLAN) (Received 11/03/24)

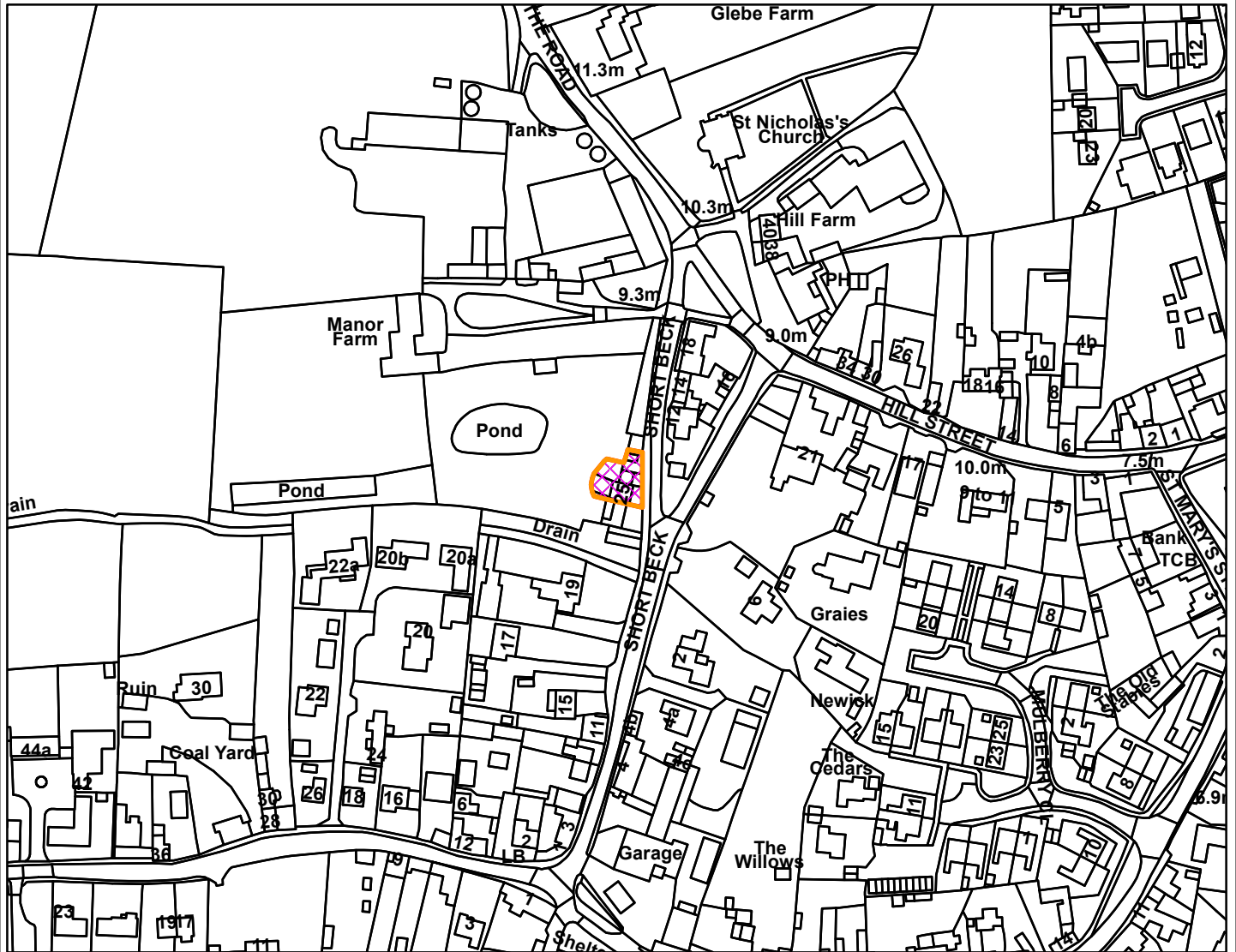
- 1 Reason: For the avoidance of doubt and in the interests of proper planning.
- 2 Condition: The building and associated site shall be used for the purposes of Class E (g)(i) only, (i.e. excluding a, b, c d, e, f, g(ii), g(iii)) as defined within the Town and Country Planning (Use Classes) (Amendment) 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.
- 2 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 parking requirements and amenities of the locality.
- 3 Condition: Notwithstanding the provisions of Class F of Part 7, Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no extensions or alterations to the office building (Class F) shall be allowed without the granting of specific planning permission.
- 3 Reason: In order that the Local Planning Authority may retain control of development which might be detrimental to the amenities of the locality if otherwise allowed by the above mentioned Order in accordance with Policy DM15 of the SADMPP 2016 and the NPPF.
- 4 Condition: The hours of use/ business shall be restricted to 09:00 - 17:00 Monday to Friday and 09:00 - 13:00 Saturdays only, with no use on Sundays, Bank or Public Holidays.
- 4 Reason: In order that the Local Planning Authority may retain control over the development in the interests of the amenities of the locality in accordance with the NPPF.

- 5 Condition: Within 6 months of the change of use development hereby permitted, facilities shall be provided within the curtilage of the site for the storage and disposal of commercial waste materials, in accordance with a scheme which shall have been previously approved by the Local Planning Authority.
- 5 Reason: In the interests of the amenities of the locality in accordance with the principles of the NPPF.
- 6 Condition: Within 6 months of the change of use development being permitted, the two existing storage containers at front of the application site (located within the red line) must be relocated in accordance with the approved plans (drawing number 6697/PL21 Site Plan).
- 6 Reason: In order that the Local Planning Authority may retain control over the development in the interests of the amenities of the locality in accordance with the NPPF.
- 7 Condition: No display or storage of goods associated with the business hereby permitted, shall take place outside any building(s) on the site.
- 7 Reason: In the interests of the amenities of the locality in accordance with the NPPF.





25 Short Beck Feltwell Thetford Norfolk IP26 4AD



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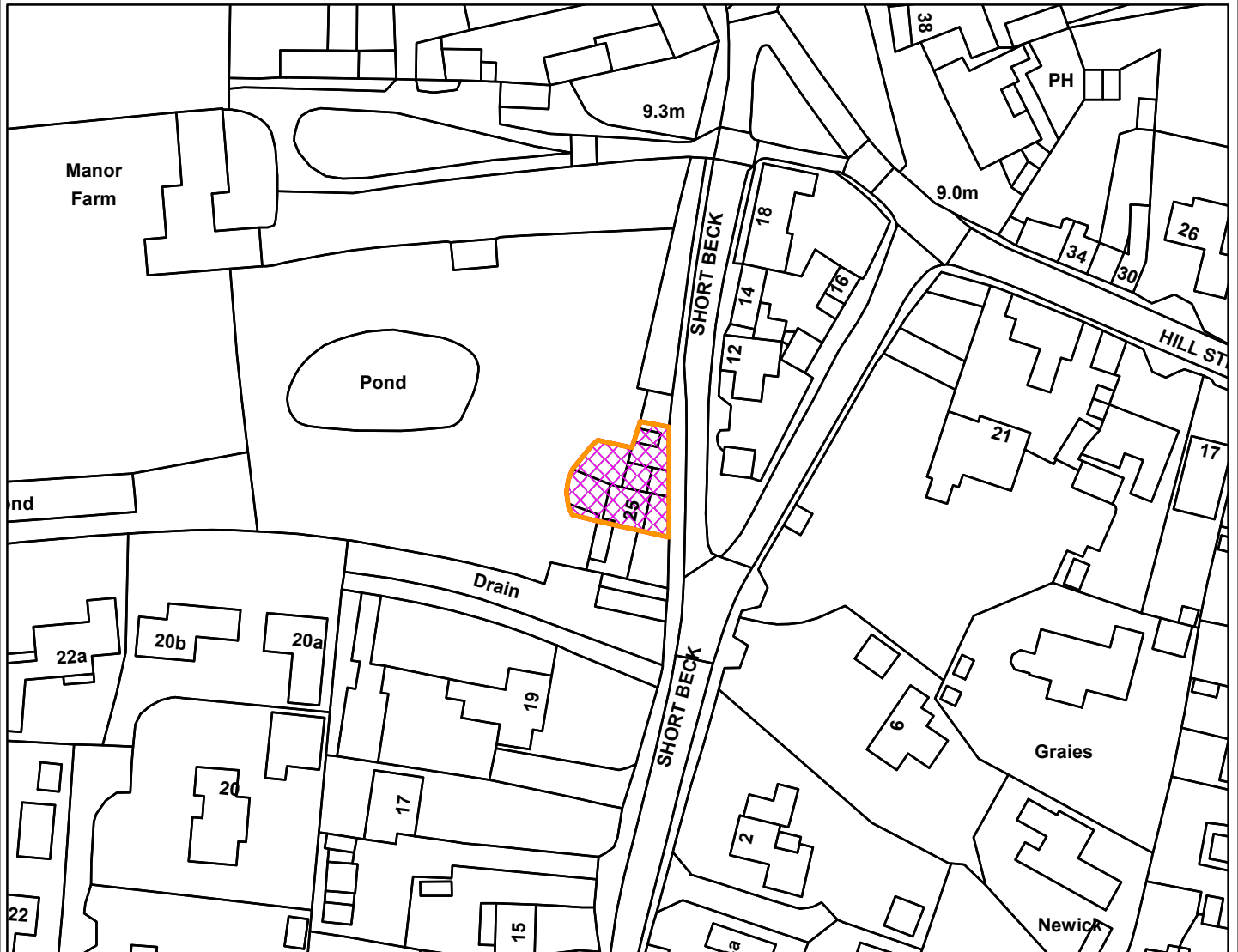
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Organisation	BCKLWN
Department	Department
Comments	
Date	17/06/2024
MSA Number	0100024314



25 Short Beck Feltwell Thetford Norfolk IP26 4AD



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Organisation	BCKLWN
Department	Department
Comments	
Date	17/06/2024
MSA Number	0100024314

<b>Parish:</b>	<b>Feltwell</b>	
<b>Proposal:</b>	<b>Replacement of existing kitchen extension and replacement with new lean-to extension, conversion of out building and internal alterations to cottage.</b>	
<b>Location:</b>	<b>25 Short Beck Feltwell Thetford Norfolk</b>	
<b>Applicant:</b>	<b>Mr Storey</b>	
<b>Case No:</b>	<b>24/00890/F (Full Application)</b>	
<b>Case Officer:</b>	<b>Finlay McKenzie</b>	<b>Date for Determination: 8 July 2024</b>

**Reason for Referral to Planning Committee** – Relates to a development proposal submitted by a direct relative of a Councillor.

**Neighbourhood Plan:** No

**Case Summary**

This application seeks permission for the replacement of an existing single storey kitchen extension with a lean-to rear extension and the conversion of an attached outbuilding.

The application site is at 25 Short Beck, Feltwell. The existing dwelling is a two-storey 19th century cottage dwelling and is located within the development boundary for Feltwell.

**Key Issues**

- Principle of Development
- Form and Character
- Neighbour Amenity
- Any other material considerations

**Recommendation**

**APPROVE**

**THE APPLICATION**

The site is located on the western side of Short Beck, Feltwell.

The site comprises a detached two-storey dwelling, finished in brick, flint, mixed rubble, and red clay pantiles.

Boundary treatments include a mix of low wooden picket fence, approx. 2m brick wall, post and rail timber fencing, low breezeblock wall, and mature vegetation.

The application seeks the construction of a single storey extension with mono-pitched roof which would extend the kitchen. It would be located on the west facing rear elevation. The

ridge height of the proposed extension would be 4.2m, and the eaves height would be 2.7m. The materials would be red and buff brick, white timber glazing, and red clay pantiles which consistent with the appearance of the existing dwelling.

## **SUPPORTING CASE**

The works proposed at No 25 seek to sympathetically modernise the cottage providing updated accommodation and amenity spaces within it.

The most obvious alteration sees removal of the existing flat, roofed kitchen to its rear and replacement with a more fitting lean-to element which will provide the dwelling with a more functional kitchen/dining area and separated utility space. Its materials, scale and form complement the existing structure while its placement does not cause overshadowing or overlooking of the neighbouring property and its gardens.

Conversion of the attached outbuilding will provide additional reception accommodation without significant alteration of the building's fabric with the additional benefit of bringing the space into a use commensurate with the scale and nature of the building as a whole.

Internal works are limited to the ground floor level, seeking only to improve sanitary provision and open up the front sitting room to provide more comfortable accommodation.

The proposals will not impact negatively on the street-scene nor how the cottage is perceived from the wider environment. The works, in updating its accommodation, mean that the property will be brought into use benefiting it and its new occupants.

## **PLANNING HISTORY**

2/76/0363/F/BR: APPROVED: Alterations and Extension to existing dwelling.

## **RESPONSE TO CONSULTATION**

**Parish Council: NO OBJECTION** Feltwell Parish Council has no objection to the above planning application.

**Environmental Quality: NEUTRAL WITH INFORMATIVE** The application is for an extension to the existing dwelling. The applicant has provided a site plan illustrating the proposed changes. We have reviewed our files and the site is on land seen developed for the duration of our records. The surrounding landscape is largely residential.

Due to the age of the property on site there is the potential for asbestos containing materials to be present. With this in mind we recommend the following informative.

*The proposed development will include the refurbishment/replacement of the existing building which could contain asbestos materials. The Control of Asbestos Regulations 2012 (CAR 2012) require that suitable and sufficient assessment is carried out as to whether asbestos is or is liable to be present before demolition or other work is carried out. CAR 2012 requires that a suitable written plan of work must be prepared before any work is carried out and the work must be carried out in accordance with that plan. If asbestos is not*

**Planning Committee  
01 July 2024**

*managed appropriately then the site may require a detailed site investigation and could become contaminated land as defined in Part 2A of the Environmental Protection Act 1990.*

## **REPRESENTATIONS**

**NONE** received.

## **LDF CORE STRATEGY POLICIES**

**CS02** - The Settlement Hierarchy

**CS06** - Development in Rural Areas

**CS08** - Sustainable Development

## **SITE ALLOCATIONS AND DEVELOPMENT MANAGEMENT POLICIES PLAN 2016**

**DM2** – Development Boundaries

**DM15** – Environment, Design and Amenity

## **NATIONAL GUIDANCE**

National Planning Policy Framework (NPPF)

Planning Practice Guidance (PPG)

National Design Guide 2021

## **PLANNING CONSIDERATIONS**

The main considerations are:

Principle of Development

Form and character

Impact on neighbour amenity

Any other material considerations

### **Principle of Development:**

Feltwell (with Hockwold-cum-Wilton) is designated in Policy CS02 - The Settlement Hierarchy of the Core Strategy (2011) as a Key Rural Service Centre and has a defined development boundary as set out in Policy DM2 - Development Boundaries and shown on inset G35 of the Site Allocations and Development Management Policies Plan (2016). 25 Short Beck sits within the development boundary.

The principle of development is established and is in accordance with SADMPP (2016) Policy DM2 - Development Boundaries.

### **Form and Character:**

Short Beck is in the centre of Feltwell and composes of detached and semi-detached two-storey 19th century cottage dwellings. To the south of the site is a detached dwellinghouse also of flint and brick.

The proposed rear extension would replace an existing single storey kitchen and bathroom extension permitted under 2/76/0363/F/BR. The materials of the extant extension are beige buff brick, white painted timber windows and door, and felt flat roof sheeting. The materials at the rear of the main body of the dwelling are red and gault brick quoins and accents with flint, chalk clunch, and brick rubble infill, and red pantiles.

The materials of the proposed rear extension would be gault brick quoins and accents, red brick, red pantiles, conservation rooflights, timber windows and doors, with a timber frame open porch. The proposed extension would measure approx. 3.6m wide, 2m deep, 2.7m eaves height, and 4.2m ridge height. The porch extends approx. 0.8m from the rear, 2.3m wide, 2.2m eaves height, and 3.4m ridge height.

The proposed design and materials reflect the character of the dwellinghouse, and the design is of a high quality. The proposed extension and rooflights would respond sensitively and sympathetically with the local setting and are therefore in accordance with SADMPP (2016) Policy DM15 - Environment, Design and Amenity and Core Strategy (2011) Policy CS08 - Sustainable Development.

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

The proposed extension would be along the boundary with the neighbour to the south (23 Short Beck) and sits adjacent to the property boundary with a boundary treatment of an approx. 1m high concrete block wall. There are no neighbours to the north or west.

The proposed rooflights would not overlook, nor would the rear windows. The proposed extension would not overshadow or be overbearing given its location, minimal depth, and screening to the north of the neighbour. The extension would be well screened to the street scene by the dwelling and the approx. 2m high red brick wall to the north of the dwelling.

The proposed extension would not be overbearing, overshadow, or overlook the neighbouring dwellings and would have a limited impact on neighbour amenity.

The application therefore complies with Policy CS08 of the Core Strategy (2011) and Policy DM15 of the SADMPP (2016).

#### **Any other material considerations:**

Environmental Quality indicate that there is a possibility of asbestos-containing material in the stand. This is however covered by separate legislation (Control of Asbestos Regulations 2012), so it is recommended that an informative note is to be attached to any permission.

#### **CONCLUSION:**

It is considered that the proposed extension would not have an adverse impact on neighbour amenity and would enhance the design of the dwelling.

The proposed development would represent suitable and sustainable development. The proposal is therefore in accordance with policies CS02, CS06, and CS08 of the Core Strategy (2011) and policies DM2 and DM15 of the SADMPP (2016). It is recommended that this application be approved.

**RECOMMENDATION:**

**APPROVE** subject to the imposition of the following condition(s):

- 1 Condition: The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
- 1 Reason: To comply with Section 91 of the Town and Country Planning Act, 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act, 2004.
- 2 Condition: The development hereby permitted shall be carried out in accordance with the following approved plans:  
\*dwg. 3/488/2B. PROPOSED PLANS. Received 15/05/2024
- 2 Reason: For the avoidance of doubt and in the interests of proper planning.



Tower Farm Station Road Tower End Middleton King's Lynn PE32 1EE



**Legend**

**Scale:** 1:5,000

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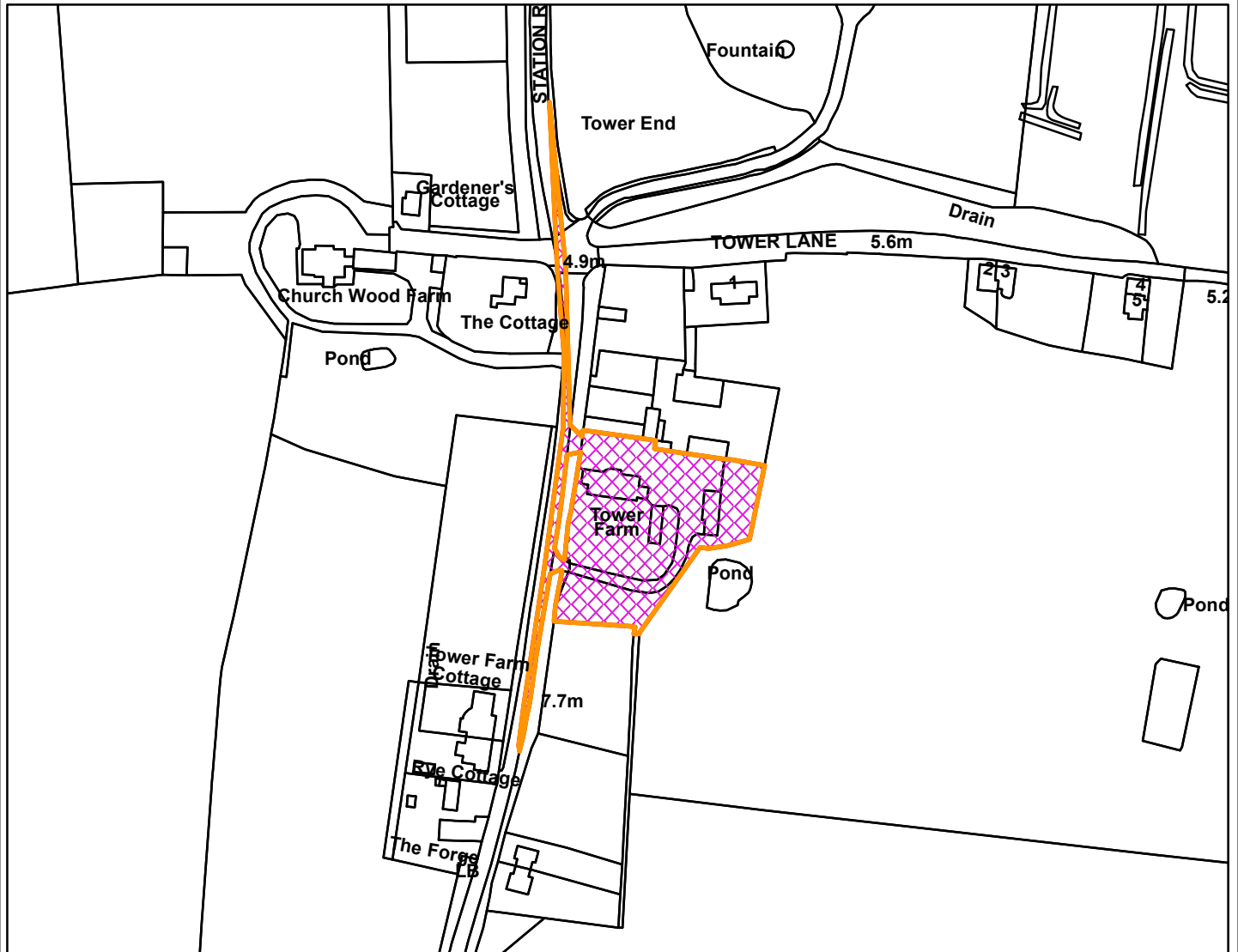
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Organisation	BCKLWN
Department	Department
Comments	
Date	18/06/2024
MSA Number	0100024314





Tower Farm Station Road Tower End Middleton King's Lynn PE32 1EE



**Legend**

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**Scale:** 1:2,500

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Organisation	BCKLWN
Department	Department
Comments	
Date	18/06/2024
MSA Number	0100024314

<b>Parish:</b>	<b>Middleton</b>	
<b>Proposal:</b>	<b>Relocation And Reinstatement Of Vehicular Highways Access and Alterations To Boundary Wall.</b>	
<b>Location:</b>	<b>Tower Farm Station Road Tower End Middleton</b>	
<b>Applicant:</b>	<b>Mr &amp; Mrs T. &amp; P. Barclay</b>	
<b>Case No:</b>	i. <b>24/00866/F (Full Application)</b> ii. <b>24/00914/LB (Listed Building Application)</b>	
<b>Case Officer:</b>	<b>Mrs C Dorgan</b> <b>Mrs L Fawkes</b>	<b>Date for Determination:</b> i. <b>15 July 2024</b> ii. <b>11 July 2024</b>

**Reason for Referral to Planning Committee** – Application site is within the ownership of Cllr Barclay.

**Neighbourhood Plan:** No

**Case Summary**

The application proposes the relocation and reinstatement of a highways access and alterations to the boundary wall at Tower Farm, Station Road in Middleton. The proposed location of the new vehicular access is positioned centrally between the two adjacent Grade II listed buildings; Tower Farmhouse and Cattle Shelter, although the access and the boundary wall itself are not part of the listings. The access is proposed directly off Station Road.

Middleton is designated as a Rural Village under Policy CS02 of the Core Strategy 2011 and as such has a development boundary. The application site lies outside the development boundary on land classed as open countryside.

The report considers the issues relating to the applications for full planning permission and listed building consent.

**Key Issues**

- Principle of Development
- Design and Heritage
- Highways / Access
- Any other material considerations

**Recommendation**

- (i) 24/00866/F – APPROVE**
- (ii) 24/00914/LB - APPROVE**

## **THE APPLICATION**

This report covers both applications for full planning permission and listed building consent.

The applications propose the relocation and reinstatement of a highways access and alterations to the boundary wall at Tower Farm, Station Road in Middleton. The proposed location of the new vehicular access is positioned centrally between the two adjacent listed buildings with Grade II statutory listing; Tower Farmhouse and Cattle Shelter, directly off Station Road.

The farmhouse was built in the late eighteenth century and is constructed of galletted carrstone with red brick dressing and pantile roof. The cattle shelter is located approximately 15m north of the farmhouse amongst a complex of farm buildings.

The proposal would reinstate the former historic site entrance which has been blocked up in favour of an alternative access in 2016/2017. This alternative access is that currently utilised.

While there are Listed Buildings positioned either side of the access, the access and the boundary wall itself is not mentioned in the listings. As there has been a wall in this location and in this ownership for several hundred years, despite the repairs undertaken to it, it is considered curtilage listed and careful consideration must be given to any alterations carried out to the boundary wall to ensure the heritage assets are preserved or enhanced.

The proposal relates to a section of boundary wall which has already been altered when works to the former site entrance were infilled to form a boundary wall to the existing vehicular access and was relocated to another farm access immediately to the South. The former opening was positioned closer to the farmhouse at the time and the current proposal seeks to reinstate a more centralised vehicular opening within the boundary wall.

Middleton is designated as a Rural Village under Policy CS02 of the Core Strategy 2011 and as such has a development boundary. The application site lies outside the development boundary on land classed as open countryside.

## **SUPPORTING CASE**

None received to date.

## **PLANNING HISTORY**

23/01194/F & 23/01195/LB: Applications permitted: 12.12.2023 Committee decision: Kitchen/lobby extension and glazed link, part conversion of outbuilding - Tower Farm

17/00579/F & 17/00556/LB: Application Permitted: 22/05/17 Delegated decision - Installation of 2x external air source units - Tower Farm

17/01014/F & 17/01015/LB: Application Permitted: 19/07/17 Delegated decision - Formation of Drive access and wall feature to the front elevation to match the existing arrangements. Revised Design to application ref: 16/00906/F and 16/00907/LB - Middleton Towers

16/00906/F & 16/00907/LB: Application Permitted: 12/10/16 Delegated decision - New drive accesses to be formed and wall feature to the principle elevation to match the existing arrangements - Tower Farm House

15/00094/F & 15/00095/LB: Application Permitted: 20/03/15 Delegated decision - Porch extension to dwelling frontage and internal structural alterations - Tower Farm House

10/01829/F & 10/01831/LB: Application Permitted: 21/12/10 Delegated decision - Internal layout adjustments and associated works, new lead roof to North bay window, 2No new lead roof dormer windows to South, new link wall and new porch to South elevation - Tower Farm

08/00381/F & 08/00382/LB: Application Permitted: 15/04/08 Delegated decision - Conversion and repair of 3 buildings to residential dwellings - Tower Farm

## **RESPONSE TO CONSULTATIONS 24/00866/F & 24/00914/LB**

### **Parish Council: NO OBJECTION**

The Parish Council has no objection to this application and would support the applications.

### **Local Highway Authority: NO OBJECTION**

The appropriateness of a second point of access has not changed from earlier discussions and is additionally now subject to paragraph G2.8 of the adopted aims and guidance Safe, Sustainable Development. To this end the submitted plan 584-PL02 identifies that the southern access is to be closed, which would continue the principle of a single point of access for this site. The alteration would afford an acceptable level of visibility for the speed and level of traffic observed. However, the current access is safer. Should your authority seek to approve the application we would recommend conditions relating to the construction of the access, and to secure the closure of the second (former) vehicular access.

### **Conservation Officer: NO OBJECTION**

### **Environmental Quality: NO OBJECTION**

We have reviewed the files submitted and those we hold and have no objection regarding contaminated land.

## **REPRESENTATIONS:**

### **NO COMMENTS RECEIVED**

## **LDF CORE STRATEGY POLICIES**

**CS06** - Development in Rural Areas

**CS08** - Sustainable Development

**CS11** – Transport

**CS12** - Environmental Assets

## **SITE ALLOCATIONS AND DEVELOPMENT MANAGEMENT POLICIES PLAN 2016**

**DM15** – Environment, Design and Amenity

### **NEIGHBOURHOOD PLAN POLICIES**

### **NATIONAL GUIDANCE**

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

### **PLANNING CONSIDERATIONS**

The main considerations are:

Principle of development  
Design and Heritage  
Highways /Access  
Any other material considerations

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

The site is located within the village of Middleton, which is designated as a rural village within Policy CS02 of the Core Strategy 2011. The application site is not within the development boundary but is an existing well established farmhouse and associated buildings, within a substantial plot. The application proposes the relocation and reinstatement of a vehicular access and alterations to the boundary wall.

The development should be assessed against Policy DM15 - Environment, Design and Amenity of the SADMPP 2016 which requires 'Development proposals should demonstrate that safe access can be provided..' and policy CS12. In terms of the principle of development the scheme is acceptable subject to compliance with other policies of the Local Plan.

#### **Design and Heritage:**

The proposed location of the new vehicular access is positioned centrally between the two adjacent listed buildings with Grade II statutory listing; Tower Farmhouse and Cattle Shelter, directly off Station Road. While there are Listed Buildings positioned either side of the access, the access and the boundary wall itself is not mentioned in the listings. As there has been a wall in this location and in this ownership for several hundred years, despite the repairs undertaken to it, it is considered curtilage listed and careful consideration must be given to any alterations carried out to the boundary wall to ensure the heritage assets are preserved or enhanced.

The proposal would reinstate the approximate location of the former historic site entrance which has been blocked up. The former opening was positioned closer to the farmhouse at the time and the current proposal seeks to reinstate a more centralised vehicular opening within the boundary wall.

The new opening would consist of new gateposts of red reclaimed facing brickwork quoins with tile capping to match the existing. Timber automated gates are proposed to be installed across this new opening which would be 3m in width. The gates would be consistent with the wall height. Where the current vehicular access is to be closed, the existing timber fencing

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**01 July 2024**

and gates are to be removed and a boundary wall constructed. This wall would extend the existing boundary wall with red reclaimed facing brickwork quoins with carrstone infill panels and tile capping.

The NPPF emphasises the importance of good design and conservation of the historic environment.

Paragraph 189 states that Heritage assets are 'an irreplaceable resource and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations.'

Paragraph 199 states that 'When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation'.

Paragraph 202 of the NPPF states that "Where a proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use". While it is considered that there is no public benefit to be gained from the proposal, the development proposed is not considered to cause harm to the Listed Buildings or their setting. In fact, the reinstatement of the original access better respects the historic site layout.

Policies CS06 and CS08 of the Core Strategy 2011 require proposals to maintain local character and a high-quality environment; protect and enhance the historic environment and respond to the context and character of places in West Norfolk by ensuring that the scale, density, layout, and access will enhance the quality of the environment. Policy DM15 of the SADMPP 2016 requires development proposals to be assessed against factors including heritage impact and visual impact.

The proposal, by virtue of its design, mass, and appearance would not result in harm to the historic fabric, appearance, and historic plan of the listed building. This would not cause harm to the significance of the building which is a designated heritage asset. On this basis, the proposal is considered to comply with the provisions of the NPPF and policies CS06, CS08, CS12, and DM15 of the adopted local plan.

#### **Highways /Access:**

The applicant proposes to replace an existing vehicular access off Station Road with an alternative access further to the north of the site. On completion of the proposed access, the existing vehicular access would be closed and the boundary wall extended to remove this point of access. The Local Highway Authority has no objection to the development proposed and confirms the alteration would afford an acceptable level of visibility for the speed and level of traffic observed. This is subject to conditions to ensure adequate construction of the access, but importantly to secure the closure of the second point of access. The Local Highway Authority makes it clear that only a single point of access would be permitted, a second point of access would not be appropriate. The proposal is acceptable and in line with the NPPF, and policies CS11 and DM15 of the adopted Local Plan.

#### **Any other material considerations:**

Contaminated land – Environmental Quality have no concerns/ objections regarding contaminated land on site.

## CONCLUSION:

It is considered that the proposed new access and boundary wall construction would not result in harm to the significance of the listed buildings and therefore would not cause harm to the significance of the designated heritage assets. Furthermore, the Local Highway Authority is satisfied that the proposed access would accord with highway safety principles. The proposal is in accordance with the provisions of the NPPF, and Policies CS06, CS08, CS11 and CS12 of the Core Strategy 2011, and DM15 of the SADMPP(2016).

## RECOMMENDATION:

(i) 24/00866/F - **APPROVE** subject to the imposition of the following condition(s):

- 1 Condition: The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
- 1 Reason: To comply with Section 91 of the Town and Country Planning Act, 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act, 2004.
- 2 Condition: The development hereby permitted shall be carried out in accordance with the following approved plans - Drawing No  
  
584 - EX01B  
584 - PL02A  
584 - PL01
- 2 Reason: For the avoidance of doubt and in the interests of proper planning.
- 3 Condition: Prior to the first use of the development hereby permitted the vehicular access / crossing over the verge shall be constructed in accordance with the highways specification TRAD 5 and thereafter retained at the position shown on the approved plan. Arrangement shall be made for surface water drainage to be intercepted and disposal of separately so that it does not discharge from or onto the highway.
- 3 Reason: To ensure construction of a satisfactory access and to avoid carriage of extraneous material or surface water from or onto the highway in the interests of highway safety.
- 4 Condition: Vehicular access to and egress from the adjoining highway shall be limited to the single access shown on Drawing No 584-PL02 only. Any other access or egress shall be permanently closed, and the highway verge shall be reinstated in accordance with a detailed scheme to be agreed with the Local Planning Authority concurrently with the bringing into use of the new access.
- 4 Reason: In the interests of highway safety in accordance with the NPPF.

(ii) 24/00914/LB - **APPROVE** subject to the imposition of the following condition(s):

- 1 Condition: This Listed Building Consent is granted subject to the condition that the works to which it relates shall be begun not later than the expiration of three years from the date of this consent.

1 Reason: To comply with Section 18 of the Planning (Listed Buildings and Conservation Areas) Act, 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act, 2004.

2 Condition: This Listed Building Consent relates only to works specifically shown on the approved drawings listed below. Any other works, the need for which becomes apparent, are not covered by this consent and details must be submitted to the Council as Local Planning Authority and approved in writing, before work continues:

584 - PL01 - Plans and Elevations as Proposed

584 - PL02A - Site Plan

2 Reason: To ensure that the works are properly controlled in the interests of safeguarding the Listed Building in accordance with the principles of the NPPF.

3 Condition: All mortar, plaster and render to be used in the works hereby approved shall be lime rich and cement free to a specification to be agreed in writing by the Local Planning Authority prior to the commencement of the development.

3 Reason: To ensure that the works are properly controlled in the interests of safeguarding the Listed Building in accordance with the principles of the NPPF.

This also needs to be a pre-commencement condition given the fundamental details linked to management of materials which need to be planned for at the earliest stage in the development.

4 Condition: The brick/stone to be used for the external surfaces of the building hereby approved shall be constructed in accordance with a sample panel, prepared on site for the inspection and written approval of the Local Planning Authority. The sample panel shall measure at least 1 metre x 1 metre using the proposed materials, mortar type, bond, and pointing technique to be used in the approved scheme.

4 Reason: To ensure a satisfactory standard of works in the interests of safeguarding the Listed Building in accordance with the principles of the NPPF.



# 24/00838/F & 24/00811/LB

Borough Council of  
**King's Lynn &  
West Norfolk**



Tower Farm Station Road Tower End Middleton King's Lynn PE32 1EE



## Legend

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Organisation	BCKLWN
Department	Department
Comments	Not Set
Date	19/06/2024
MSA Number	0100024314



<b>Parish:</b>	<b>Middleton</b>	
<b>Proposal:</b>	i. <b>VARIATION OF CONDITION 2 OF PLANNING CONSENT 23/01194/F</b> : Proposed demolition of utility for new kitchen/lobby extension and glazed link, part conversion of outbuilding ii. <b>(ii) VARIATION OF CONDITION 2 AND REMOVAL OF CONDITION 3,4,6,7 AND 8 OF PLANNING CONSENT 23/01195/LB</b> : Application for listed building consent for proposed demolition of utility for new kitchen/lobby extension and glazed link, part conversion of outbuilding.	
<b>Location:</b>	<b>Tower Farm Station Road Tower End Middleton</b>	
<b>Applicant:</b>	<b>Mr Thomas Barclay</b>	
<b>Case No:</b>	i. <b>24/00838/F (Full Application)</b> ii. <b>24/00811/LB (Listed Building Application)</b>	
<b>Case Officer:</b>	i. <b>Mrs C Dorgan</b> ii. <b>Mrs L Fawkes</b>	i. & ii. <b>Date for Determination:</b> <b>27 June 2024</b> i. & ii. <b>Extension of Time Expiry Date:</b> <b>5 July 2024</b>

**Reason for Referral to Planning Committee** – Application site is within the ownership of Cllr Barclay.

**Neighbourhood Plan:** No

**Case Summary**

The applications propose amendments to an extant planning consent for 'Proposed demolition of utility for new kitchen/lobby extension and glazed link, part conversion of outbuilding' at Tower Farm, Station Road, Tower End, Middleton (references - 23/01194/F & 23/01195/LB). The proposed amendments to the approved scheme include the repositioning of an existing window and the insertion of a new window at first floor on the north elevation. Also, previously where a gable end wall was to be demolished to facilitate an extension, the extension has been redesigned and only a doorway now needs to be inserted rather than the gable end removed.

Middleton is designated as a Rural Village under Policy CS02 of the Core Strategy 2011 and as such has a development boundary. The application site lies outside the development boundary on land classed as open countryside.

The report considers the issues relating to the applications for full planning permission and listed building consent.

**Key Issues**

Principle of Development  
 Design and Heritage  
 Any other material considerations.

## **Recommendation**

- (i.) 24/00838/F – APPROVE**
- (ii.) 24/00811/LB - APPROVE**

## **THE APPLICATION**

Tower Farmhouse, Tower End, Middleton was listed Grade II under the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended for its special architectural or historic interest in 1988.

This report covers both full planning and listed building proposals.

The application proposes amendments to an extant planning consent for 'Proposed demolition of utility for new kitchen/lobby extension and glazed link, part conversion of outbuilding' at Tower Farm, Station Road, Tower End, Middleton (references - 23/01194/F & 23/01195/LB).

The extant consents permitted the demolition of a historic single storey extension and original gable end wall at ground floor level, and to build an extension on a larger footprint, to join the main farmhouse to an outbuilding.

The proposed amendments to the approved scheme include the repositioning of an existing window and the insertion of a new window at first floor on the north elevation. Also, previously where a gable end wall was to be demolished to facilitate an extension, the extension has been redesigned and only a doorway now needs to be inserted rather than the gable end wall removed.

The applications as submitted also include information submitted to address conditions 3, 4, 6, 7, and 8 of the approved LB consent. These conditions required; a sample panel, a schedule of materials to be salvaged for reuse in the development, a detailed scheme for demolition of the ground floor portion of the gable end of the house and the chimney stack, a comprehensive structural report and a photographic survey.

## **SUPPORTING CASE**

Permission was granted under 23/01195/LB & 23/01194/F for the proposed demolition of the existing utility to make way for a new kitchen/lobby extension and glazed link and part conversion of outbuilding. The principle of this variation application (24/00838/F & 24/00811/LB) remains the same but the amount of historic fabric that will be lost is far less.

The approved scheme includes partial removal of the ground floor gable wall to provide an opening 4m wide. In this revised scheme this opening has been reduced to 1.58m wide. That represents a 60% reduction in historic fabric to be lost.

The other notable difference in this revised scheme compared to the original approved scheme is the ceiling in the outbuilding conversion was to be vaulted. In this revised scheme it will be a horizontal flat ceiling. Both methods retain the existing roof structure and the new joists that would provide support for the horizontal ceiling will slot in alongside the existing components without disruption.

Great care was taken to ensure the proposed new wall materials match the existing appropriately, the sample panel indicates this as part of Condition 3. Please see the sample panel photos submitted with the application.

Information for the removal of conditions 4,6,7 & 8 have been submitted in the application documents provided.

It is acknowledged that Tower Farmhouse is Grade II listed and that listed buildings need to be preserved for their historic value but it should be acknowledged that most of the features of this property have been lost over the years following renovation. This is not down to unauthorised works but necessary works to bring the building back to life and into use. It is in no doubt that without these modifications the building would be lost forever.

The exterior aesthetic of the building will remain unaltered and will be preserved. We recognise that the proposed work will still remove historical fabric in this revised scheme but the reduced amount will be welcomed and appreciated.

## **PLANNING HISTORY**

23/01194/F & 23/01195/LB: Applications permitted: 12.12.2023 Committee decision: Kitchen/lobby extension and glazed link, part conversion of outbuilding - Tower Farm

17/00579/F & 17/00556/LB: Application Permitted: 22/05/17 Delegated decision - Installation of 2x external air source units - Tower Farm

17/01014/F & 17/01015/LB: Application Permitted: 19/07/17 Delegated decision - Formation of Drive access and wall feature to the front elevation to match the existing arrangements. Revised Design to application ref: 16/00906/F and 16/00907/LB - Middleton Towers

16/00906/F & 16/00907/LB: Application Permitted: 12/10/16 Delegated decision - New drive accesses to be formed and wall feature to the principle elevation to match the existing arrangements - Tower Farm House

15/00094/F & 15/00095/LB: Application Permitted: 20/03/15 Delegated decision - Porch extension to dwelling frontage and internal structural alterations - Tower Farm House

10/01829/F & 10/01831/LB: Application Permitted: 21/12/10 Delegated decision - Internal layout adjustments and associated works, new lead roof to North bay window, 2No new lead roof dormer windows to South, new link wall and new porch to South elevation - Tower Farm

08/00381/F & 08/00382/LB: Application Permitted: 15/04/08 Delegated decision - Conversion and repair of 3 buildings to residential dwellings - Tower Farm

## **RESPONSE TO CONSULTATIONS 24/00838/F & 24/00811/LB**

**Parish Council: NO COMMENTS RECEIVED**

**Local Highway Authority: NO OBJECTION**

Having examined the submitted information, in terms of highway considerations for the adopted road network, we have no objection to the principle of the variation of condition 2.

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## **Conservation Officer: NO OBJECTION**

The scheme no longer proposes the demolition of the whole gable wall of the grade II listed building at ground floor level. It is now reduced to a single opening therefore the harm to the fabric of the listed building has been reduced. While there is proposed to be removal of historic walls and features in the outbuilding, the majority of these were permitted under the previous scheme which was allowed at planning committee.

## **Historic England: NO COMMENTS**

Historic England are not offering advice on this application. We suggest that you seek the views of your specialist conservation and archaeological advisers. You may also find it helpful to refer to our published advice at <https://historicengland.org.uk/advice/find/>

## **REPRESENTATIONS:**

### **NO COMMENTS RECEIVED**

## **LDF CORE STRATEGY POLICIES**

**CS06** - Development in Rural Areas

**CS08** - Sustainable Development

**CS12** - Environmental Assets

## **SITE ALLOCATIONS AND DEVELOPMENT MANAGEMENT POLICIES PLAN 2016**

**DM5** – Enlargement or Replacement of Dwellings in the Countryside

**DM15** – Environment, Design and Amenity

## **NATIONAL GUIDANCE**

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

## **PLANNING CONSIDERATIONS**

The main considerations are:

Principle of development  
Design and Heritage  
Any other material considerations.

### **Principle of Development:**

The application site is located within the village of Middleton, which is designated as a rural village within Policy CS02 of the Core Strategy 2011. The application site is not within the development boundary and would be assessed against Policy DM5 - Enlargement or

Replacement Dwellings in the Countryside and Policy DM 15 - Environment, Design and Amenity of the SADMPP 2016.

The proposal is for an extension to an existing dwelling within the curtilage; however due to the structure being a designated heritage asset, the conservation of the listed building would be considered within the policy test for extensions to existing dwellings. The extension has already been approved and so the principle of this has been accepted. The amendments proposed, the repositioning and insertion of a window and the amended opening in the external wall is not considered to result in harm to the heritage asset.

The proposals are therefore in accordance with Policy DM5 - Enlargement or Replacement Dwellings in the Countryside and Policy DM 15 - Environment, Design and Amenity of the SADMPP 2016.

### **Design and Heritage:**

Tower Farm is a two storey, detached, Grade II listed building located within the village. The dwelling is constructed of galletted carstone with brick quoins and red clay pantiles. The outbuilding is of a similar construction but with a hipped pantile roof, and carstone walls without galletting. The listed building has undergone substantial alterations in recent years and it is important to retain as much of the original and historic fabric as possible.

The permitted extension required the demolition of the existing historic single storey side extension and the original gable end wall at ground floor level, to construct an extension of a larger footprint, joining the main farmhouse to the outbuilding. However, the amendment proposed does not require the demolition of such a large extent of this wall but that a doorway is instead cut into this.

The repositioning of a window and the insertion of a new window at first floor on the north elevation will enhance the balance of fenestration on this elevation. It is not considered that this would result in harm to the building subject to considerate construction methods and appropriate materials being used.

The variation also involves the demolition of a wall which was due to be retained in the previous plans and the retention of a wall which was due to be demolished. The spirit of this demolition in the outbuilding was approved in the previous scheme and although different walls are now proposed to be demolished and retained, this would not result in additional harm to the significance of the heritage asset.

Details have also been submitted with the listed building application to cover the previously applied conditions 4, 6, 7 and 8 on the Listed Building consent.

The information provided has included a detailed scheme of demolition, demolition plans, structural report, photographic survey and a schedule of materials . A sample panel will be constructed on site. This is considered to be enough information to support the ordinary discharge of these conditions.

The applicant has also constructed a sample panel to be considered as part of the planning application which was not submitted with the Listed Building consent. This sample panel is not acceptable at present. The bricks are not a good match by reason of the colour and the jointing in the carrstone is not acceptable and would jar with the existing building. The original condition 3 has therefore been re-applied to this Listed Building Consent variation application.

The NPPF emphasises the importance of good design and conservation of the historic environment.

Paragraph 195 states that Heritage assets are 'an irreplaceable resource, and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations.'

Paragraph 205 states that 'When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation'.

Paragraph 206 states that 'Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification.'

Paragraph 208 of the NPPF states that "Where a proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use". While it is considered that there is no public benefit to be gained from the proposal, development has been approved and the amendments proposed are not considered to cause additional harm to the heritage asset. In fact, the insertion of a doorway rather than the demolition of the gable wall represents an improvement to that previously permitted in terms of the protection of the heritage asset.

Policies CS06, CS08 and CS12 of the Core Strategy 2011 and DM5 of the SADMPP 2016 require proposals to maintain local character and a high-quality environment; protect and enhance the historic environment and respond to the context and character of places in West Norfolk by ensuring that the scale, density, layout, and access will enhance the quality of the environment. Policy DM15 of the SADMPP 2016 requires development proposals to be assessed against factors including heritage impact and visual impact.

The proposal, by virtue of its design, mass, and appearance would not result in further harm to the historic fabric, appearance, and historic plan of the listed building, over and above that which was approved previously. This scheme represents an improvement over what was approved previously and represents an enhancement to the proposals for the site. On this basis, the proposal is considered to comply with the provisions of the NPPF and policies CS06, CS08, CS12, DM5 and DM15 of the adopted local plan.

**Any other material considerations:**

Highways/ Access – The Local Highways Authority has no comments regarding the proposed amendments.

Historic England made no comments to the scheme but referred to the views of the Council's conservation officer.

**CONCLUSION:**

It is considered that the proposed amendments to the already permitted extension to a listed building, would not result in additional harm to the historic fabric, appearance, and historic plan of the building and therefore would not cause additional harm to the significance of the designated heritage asset. However, it is considered necessary, based on the current submission to reimpose the sample panel condition in the interests of the character and appearance of the Listed Building. The proposal is in accordance with the provisions of the



NPPF, and Policies CS06, CS08 and CS12 of the Core Strategy 2011, DM5 and DM15 of the SADMPP(2016).

**RECOMMENDATION:**

(i.) 24/00838/F - **APPROVE** subject to the imposition of the following condition(s):

- 1 Condition: The development hereby permitted shall be begun before 12 December 2026.
- 1 Reason: To comply with Section 92 of the Town and Country Planning Act, 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act, 2004.
- 2 Condition: The development hereby approved shall be implemented in accordance with the following approved plans:  
  
669-10 Rev A Ground and Roof Plan  
669-11 Rev A Sections and Elevations  
669-12 Rev A Sections, Site and Location.  
669-06: Crittal Window and Door Details
- 2 Reason: For the avoidance of doubt and in the interests of proper planning.

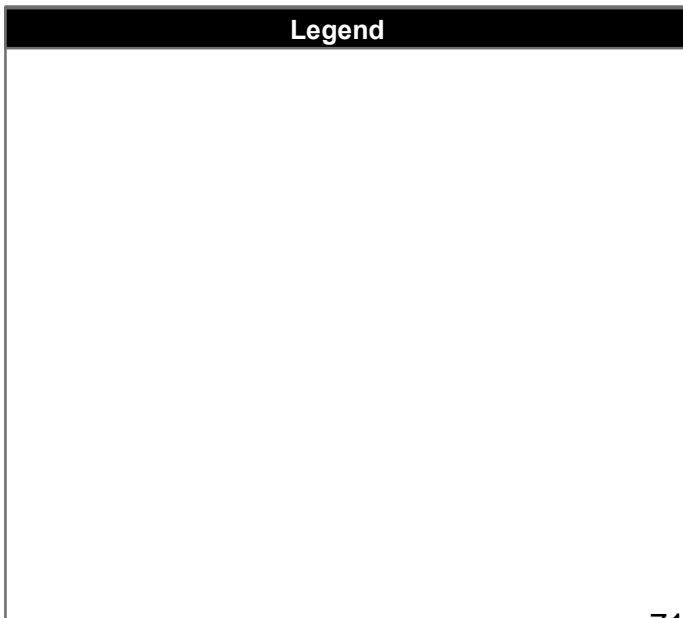
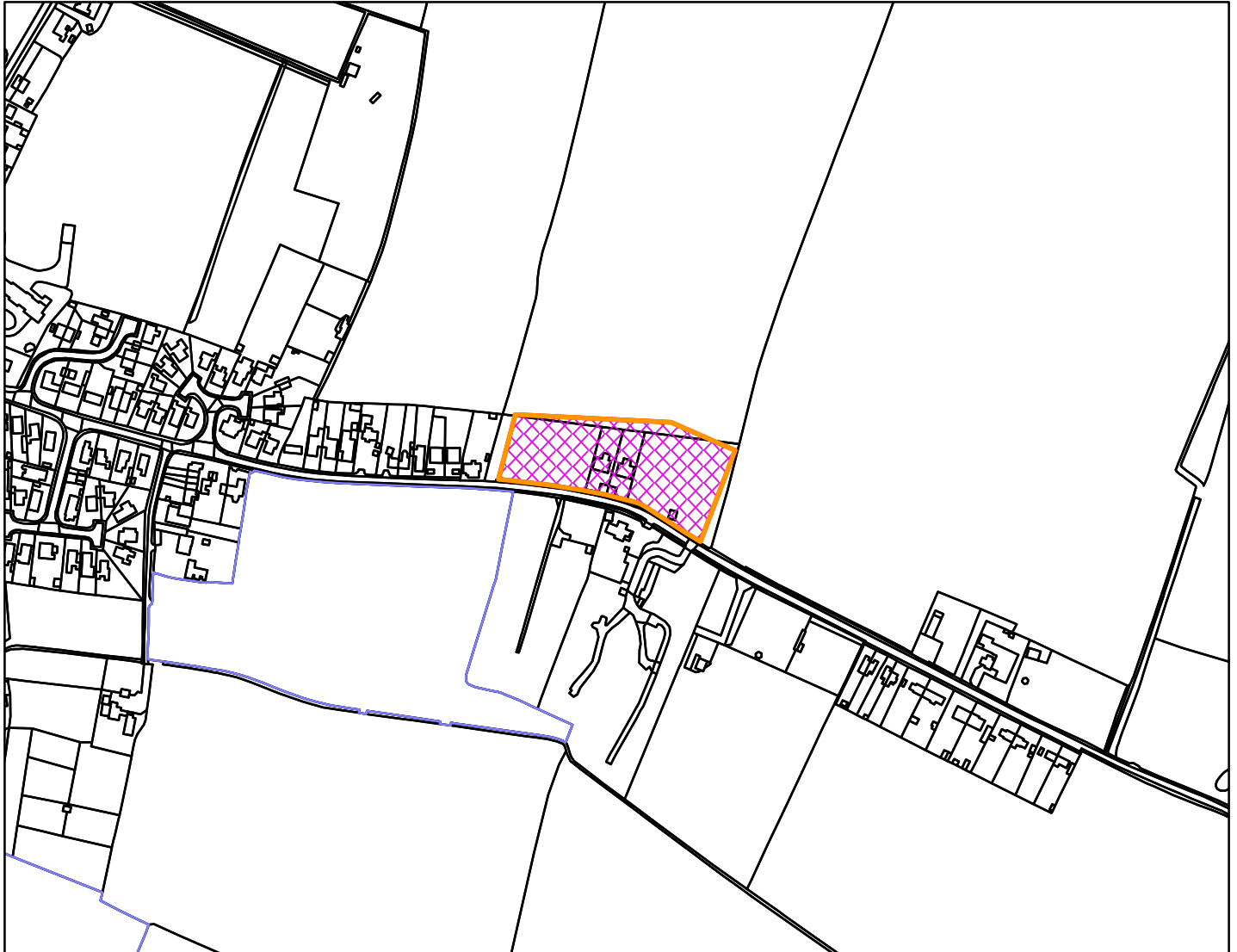
(ii.) 24/00811/LB - **APPROVE** subject to the imposition of the following condition(s):

- 1 Condition: The development hereby permitted shall be begun before 12 December 2026.
- 1 Reason: To comply with Section 18 of the Planning (Listed Buildings and Conservation Areas) Act, 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act, 2004.
- 2 Condition: This Listed Building Consent relates only to works specifically shown on the approved drawings listed below. Any other works, the need for which becomes apparent, are not covered by this consent and details must be submitted to the Council as Local Planning Authority and approved in writing, before work continues:  
  
669-11 Rev A - Building Regulations Sections and Elevations  
669-10 Rev A - Building Regulations Ground and Roof Plan  
669-12 Rev A - Sections, Site and Location.  
29507/101 A - Proposed Structural GA Plan  
29507/102 A - Structural Sections 1-1 to 10-10  
2907 - Demolition Statement - Submitted by PDC dated March 2024  
2907 - Structural Report - Submitted by PDC dated March 2024  
2907 - Method Statement - Submitted by PDC dated March 2024  
Photographic Survey - Submitted 2-5-2024  
Schedule of Materials - Submitted 2-5-2024  
669-06 - Crittall window and door details dated March 2023
- 2 Reason: To ensure a satisfactory standard of works in the interests of safeguarding the Listed Building in accordance with the principles of the NPPF.

- 3 Condition: The brick/stone to be used for the external surfaces of the building hereby approved shall be constructed in accordance with a sample panel, prepared on site for the inspection and written approval of the Local Planning Authority. The sample panel shall measure at least 1 metre x 1 metre using the proposed materials, mortar type, bond, and pointing technique to be used in the approved scheme.
- 3 Reason: To ensure that the materials are in keeping with the Listed Building in accordance with the principles of the NPPF.
- 4 Condition: All mortar, plaster and render to be used in the works hereby approved shall be lime rich and cement free to a specification to be agreed in writing by the Local Planning Authority prior to the commencement of the development.
- 4 Reason: To ensure that such details are in keeping with the Listed Building in accordance with the principles of the NPPF.



Land North of School Road Runcton Holme Norfolk PE33 0AN



**Scale:** 1:5,000

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Organisation	BCKLWN
Department	Department
Comments	
Date	18/06/2024
MSA Number	0100024314



Land North of School Road Runcton Holme Norfolk PE33 0AN



**Legend**

**Scale:** 1:2,500

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Organisation	BCKLWN
Department	Department
Comments	
Date	18/06/2024
MSA Number	0100024314

<b>Parish:</b>	<b>Runcton Holme</b>	
<b>Proposal:</b>	<b>Variation of Condition 1 attached to Planning Permission 19/01491/RMM: Reserved matters major application: Construction of 11 dwellings</b>	
<b>Location:</b>	<b>Land North of School Road Runcton Holme Norfolk</b>	
<b>Applicant:</b>	<b>George Baldwin Limited</b>	
<b>Case No:</b>	<b>24/00314/F (Full Application)</b>	
<b>Case Officer:</b>	<b>Mrs C Dorgan</b>	<b>Date for Determination: 23 May 2024 Extension of Time Expiry Date: 12 June 2024</b>

**Reason for Referral to Planning Committee** – Parish Council objection is contrary to the officer recommendation and has been referred by Planning Committee Sifting Panel.

**Neighbourhood Plan:** No

**Case Summary**

The application seeks to vary condition 1 attached to consent 19/01491/RMM 'Reserved matters major application: Construction of 11 dwellings.' The amendment seeks to vary the dwelling approved on plot 11 from a single storey three bedroom dwelling to a large two storey five bedroom home. The access is as previously approved and the outbuilding to the rear of the plot is also to remain as previously approved.

Runcton Holme is categorised as a Rural Village in the Site Allocations and Development Management Policies Plan (SADMPP 2016). The application site forms part of a housing allocation (policy) G72.1 'Land at School Road' for 10 dwellings in total.

**Key Issues**

- Principle of Development
- Form and Character
- Neighbour Amenity
- Highways/ Access
- Other Material Considerations

**Recommendation:**

**APPROVE**

## **THE APPLICATION**

The application seeks to vary condition 1 attached to consent 19/01491/RMM 'Reserved matters major application: Construction of 11 dwellings.'

The amendment seeks to vary the dwelling approved on plot 11 from a single storey three bedroom dwelling to a large two storey five bedroom home. The access is as previously approved and the outbuilding to the rear of the plot is also to remain as previously approved.

The dwelling proposed would be 9m in height to the ridge and 5.4m to the eaves. The footprint proposed is 15.5m wide and 17.5m deep. This is in comparison to the adjacent dwellings approved. Plot 10 (next to the application site) is 9m in height and the footprint 13.5m wide and 16m in depth. The proposed materials have not been specified. The boundary treatments proposed are a native hedgerow on the northern and eastern boundary, with close board fencing on the western boundary, and steel estate fencing on the front boundary. During the application process discussions have been held with the applicant and they are proposing to plant standard trees (oak, field maple, scotts pine and silver birch) at intervals of 5m centres along the eastern boundary.

Development has not yet commenced for the dwelling on plot 11, however the dwellings on plots 1-10 are under construction/ completed/ occupied.

Runcton Holme is categorised as a Rural Village in the Site Allocations and Development Management Policies Plan (SADMPP 2016). The application site forms part of a housing allocation (policy) G72.1 'Land at School Road' for 10 dwellings in total.

## **SUPPORTING CASE**

Revised scheme proposal is for two storey dwelling following removal of overhead power lines which restricted the original design to a single storey dwelling.

The aim is to complete the development to a high standard, enhancing the village environment in a traditional form, it is considered the opportunity for a two storey dwelling will be more in keeping with the remainder of the development and existing surroundings.

Design and scale reflect the more traditional dwellings within and surrounding the village, including farmhouses at either end of the village.

The two storey dwelling being in keeping with the existing development on School Road to the east and opposite, all of which are two storeys.

Incorporating a hip roof the proposed dwelling will provide a transition from the prominent rendered three storey neighbouring dwelling (plot 10), the proposed hip roof will lead the eye downwards along the street scene towards the edge of the development.

The eastern boundary will then have a soft effect with existing native hedge planting being established to a minimum of 2.0m height combined with boundary tree planting subtly obscuring the whole development when approached from the east in a traditional semi rural manner.

## **PLANNING HISTORY**

21/01218/F: Application Permitted- Delegated decision: 08/09/21 - VARIATION OF CONDITION 1 of Planning Permission 19/01491/RMM: To amend the design of Plot 10 - Land North of School Road

19/01491/RMM: Application Permitted- Delegated decision: 29/11/19 - Reserved matters major application: Construction of 11 dwellings - Land North of School Road

16/01186/OM: Application Permitted- Delegated decision: 20/01/17 - Outline Application: Construction of at least 10 dwellings - Land North of School Road

## **RESPONSE TO CONSULTATION**

### **Parish Council: OBJECTION**

The Parish Council object to this proposal as the changes to Plot 11 from a modest three bedroom bungalow to a large five bedroomed property is significant. The proposed dwelling would be a dominant feature and would be harmful to the character and appearance of the street scene. The proposal would change the overall balance of the whole development. The original design proposal, on planning application reference 19/01491/RMM for the 11 dwellings, was to have bungalows at either end of the development to soften it on either side. This plot is adjacent to open countryside and would be particularly prominent when entering the village from the A10 direction on School Road.

### **Highways Authority: NO OBJECTION**

The access, parking and turning accords with the required standard and therefore we would not seek to restrict the variation of condition.

### **Arboricultural Officer: NO OBJECTION**

### **UK Power Networks: NO OBJECTION**

Please note there are HV and LV cables on the site running within close proximity to the proposed development. Prior to commencement of work accurate records should be obtained from our Plan Provision Department at UK Power Networks, Fore Hamlet, Ipswich, IP3 8AA. All works should be undertaken with due regard to Health & Safety Guidance notes HS(G)47 Avoiding Danger from Underground services. This document is available from local HSE offices.

## **REPRESENTATIONS:**

**NONE RECEIVED**

## **LDF CORE STRATEGY POLICIES**

**CS06** - Development in Rural Areas

**CS08** - Sustainable Development

**CS11** - Transport

## **SITE ALLOCATIONS AND DEVELOPMENT MANAGEMENT POLICIES PLAN 2016**

**DM2** – Development Boundaries

**DM15** – Environment, Design and Amenity

**DM17** - Parking Provision in New Development

### **NEIGHBOURHOOD PLAN POLICIES**

#### **NATIONAL GUIDANCE**

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

#### **PLANNING CONSIDERATIONS**

The main considerations are:

Principle of Development  
Form and Character  
Neighbour Amenity  
Highways/ Access  
Other Material Considerations

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

The principle of development on this site was established under Local Plan policy G72.1 'Land at School Road', and planning consents 16/01186/OM 'Outline Application: Construction of at least 10 dwellings' and 19/01491/RMM 'Reserved matters major application: Construction of 11 dwellings.' This application seeks only to amend the design of the dwelling proposed on plot 11, and therefore the principle of development is accepted and in accordance with the adopted Local Plan.

##### **Form and Character:**

The application seeks to vary the dwelling approved on plot 11 from a single storey three bedroom dwelling to a large two storey five bedroom home. The access is as previously approved and the outbuilding to the rear of the plot is also to remain as previously approved.

The officers report for planning consent 19/01491/RMM stated-

*'Plots 1,2,3 and 11 are all single storey dwellings, which act as a transition between the single storey dwelling to the immediate west of the application site and the countryside to the east. The remaining dwellings are all substantial two storey detached. In terms of form and character in the locality the dwellings along School Road are a mixture of single and two storeys in height, and vary in style, scale and materials. Therefore, in design terms the scheme is acceptable. However, to minimise the impact of the development on the edge of the village, native hedging is proposed on the northern, eastern and western boundaries of the application site, with intermittent tree planting.'*



The bungalow previously permitted was 5.4m in height (to the ridge, 2.5m to the eaves) with a footprint of 12.5m wide by 20.5m deep. The dwelling proposed would be 9m in height to the ridge and 5.4m to the eaves. The footprint proposed is 15.5m wide and 17.5m deep. This is in comparison to the adjacent dwellings approved with plot 10 (next to the application site) 9m in height and the footprint 13.5m wide and 16m in depth. The proposed materials have not been specified and would be conditioned.

The Parish Council has objected to the application on the grounds that the changes proposed are significant. The proposed dwelling would be a dominant feature and would be harmful to the character and appearance of the street scene, in their opinion changing the balance of the whole development. They state the original design proposal was to have bungalows at either end of the development to soften it on either side as this plot is adjacent to open countryside and would be particularly prominent when entering the village from the A10 direction on School Road.

The dwelling proposed is of the same height as plot 10 however it does have a larger footprint than the neighbouring dwelling (an additional 2m in width and 1.5m in depth). The design differs from the other plots in that plot 11 has a symmetrical front elevation with a central forward projection. The siting of the dwelling in the plot does follow the established building line and is set 13.5m back from the highway.

The Parish Council argues that the development would be particularly prominent when entering the village from the A10. However, as you approach the site from the east (A10) you will have already passed two storey residential development on both sides of School Road before you reach the application site. Also opposite the application site is a prominent two storey dwelling known as 'The Firs'. Therefore, the proposed dwelling sits adjacent to two storey development with a two storey dwelling opposite. It is not considered that the proposed dwelling would be unduly dominant or harmful to the character and appearance of the street scene. While the site is adjacent to open countryside, with the established residential development the site is viewed in the context of the existing built form.

The boundary treatments proposed remain as previously approved, native hedgerow on the northern and eastern boundaries (at 2m). The applicant has proposed that a number of additional trees are planted within the hedgerow along the eastern boundary to create a green edge to the built form. The applicant proposes to plant standard trees (oak, field maple, scotts pine and silver birch) at intervals of 5m centres along the eastern boundary. With this boundary in place and given the dwelling proposed is of an equal height to neighbouring dwellings and a commensurate depth, it is suggested that the development proposed is acceptable. The dwelling proposed is in accordance with the NPPF and policies CS08 and DM15 of the Local Plan.

#### **Neighbour Amenity:**

The dwelling proposed would not result in overlooking between the existing and proposed dwelling and would not appear overbearing to the neighbouring residents. The development would not give rise to overshadowing given the proposed site layout, positioning of the dwellings and orientation. As a result, the development would not give rise to neighbour amenity issues, and is fully in accordance with the NPPF, and policies CS08 and DM15 of the Local Plan.

#### **Highways/ Access:**

The access proposed is consistent with the vehicular access permitted under planning consent 19/01491/RMM.

### **Other Material Considerations:**

UK Power Networks – There are cables running within close proximity to the proposed development. Prior to the commencement of work accurate records should be obtained. All works should be undertaken with due regard to Health and Safety Guidance notes.

### **CONCLUSION:**

The application seeks consent to amend the design of a dwelling previously approved on plot 11, as part of planning consent 19/01491RMM. The principle of development has been agreed on the site, and the access and outbuilding to the rear are proposed as previously permitted.

The form and character of the dwelling proposed is not out of character when viewed alongside the recently constructed development, particularly plot 10 directly adjacent. Given the eastern boundary of the site abuts open countryside the introduction of tree planting along this boundary of the site will act as a green edge/ buffer to the built form and with this in place the development is considered to accord with the NPPF, and policies CS06, CS08 and DM15 of the Local Plan. The application is recommended for approval subject to the suggested 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 (Drawing Nos-

812-14 28 Aug 2019  
812-20 21 Aug 2019  
812-21 21 Aug 2019  
812-23 21 Aug 2019  
812-24 21 Aug 2019  
812-25 22 Aug 2019  
812-26 27 Aug 2019  
812-27 21 Aug 2019  
812-28 27 Aug 2019  
812-29 22 Aug 2019  
812-30 21 Aug 2019  
812-31 21 Aug 2019  
812-32A 21 Oct 2019  
812-33 21 Aug 2019  
812-35 21 Aug 2019  
812-37 21 Oct 2019  
1152-03A 21 Feb 2024  
1152-04A 23 May 2024)

- 1 Reason: For the avoidance of doubt and in the interests of proper planning.
- 2 Condition: All hard and soft landscape works shall be carried out in accordance with the approved details. Perimeter native hedge and tree planting works shall be carried out prior to the occupation or use of any part of the development. Hard and soft landscaping to individual plots shall be carried out prior to the occupation of the

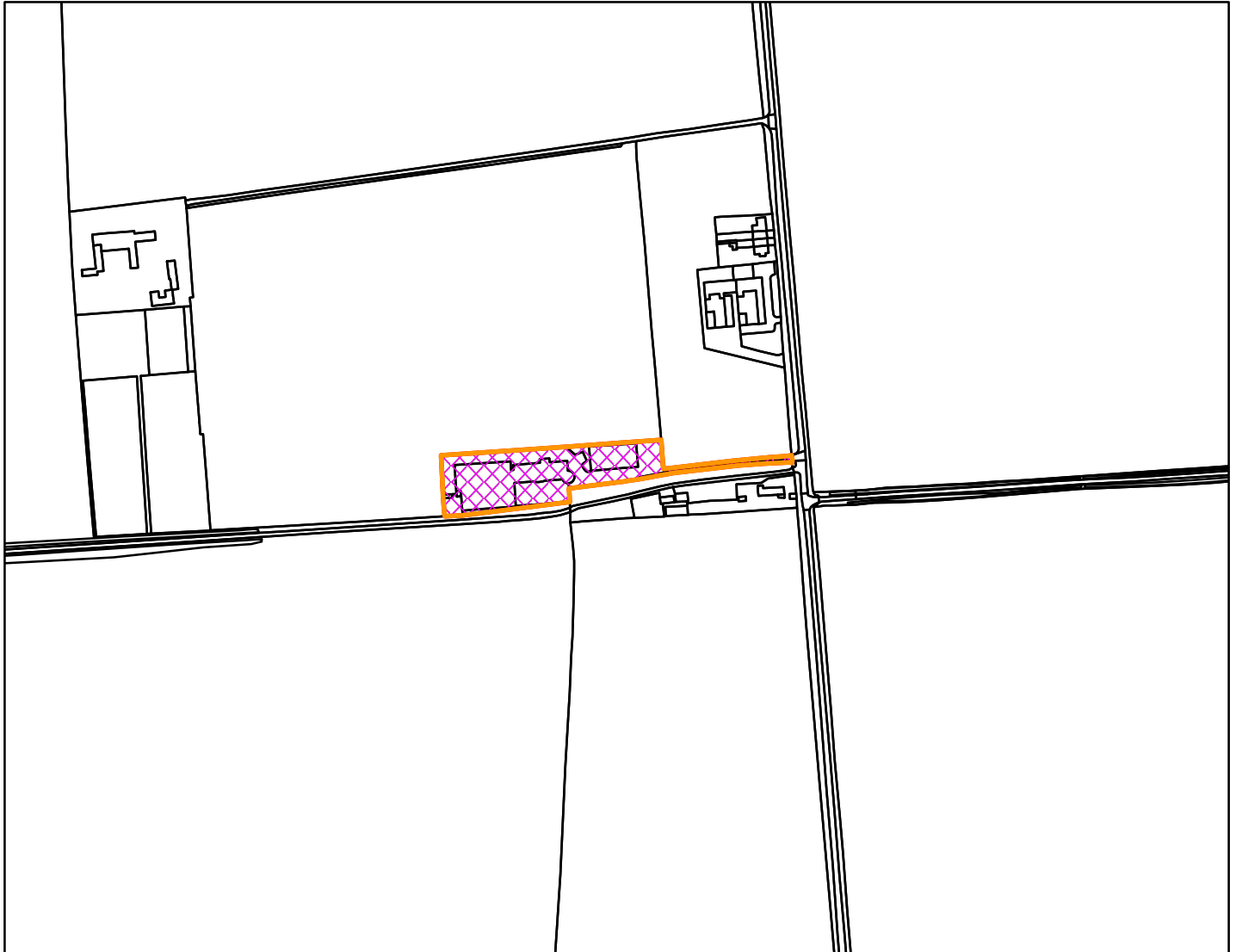
**Planning Committee**  
**01 July 2024**

dwelling to which it relates. Any trees or plants that within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species as those originally planted, unless the Local Planning Authority gives written approval to any variation.

- 2 Reason: To ensure that the work is carried out within a reasonable period in accordance with the NPPF.
- 3 Condition: No existing trees, shrubs or hedges within the site that are shown as being retained on the approved plans shall be felled, uprooted, willfully damaged or destroyed, cut back in any way or removed without the prior written approval of the Local Planning Authority. Any trees, shrubs or hedges removed without such approval or that die or become severely damaged or seriously diseased within 5 years from the completion of the development hereby permitted shall be replaced with trees, shrubs or hedge plants of a similar size and species in the next available planting season, unless the Local Planning Authority gives written approval to any variation.
- 3 Reason: To ensure that the development is compatible with the amenities of the locality in accordance with the NPPF.
- 4 Condition: The garage hereby permitted on plot 11, and identified on Drawing No. 812-35 and 812-36B (Site Plan), shall be used for domestic storage only and shall at no time be used for commercial purposes.
- 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 in accordance with the NPPF and Policy DM15 of the Site Allocations and Development Management Policies Plan (2016)
- 5 Condition: Notwithstanding the details that accompanied the application hereby permitted, no development shall take place on any external surface of the development until the type, colour and texture of all materials to be used for the external surfaces of the building(s) have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
- 5 Reason: To ensure a satisfactory external appearance and grouping of materials in accordance with the principles of the NPPF.



Sedgeford Tennis Centre Ringstead Road Sedgeford Hunstanton PE36 5NQ



**Legend**

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**Scale:** 1:5,000

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Organisation	BCKLWN
Department	Department
Comments	
Date	17/06/2024
MSA Number	0100024314



<b>Parish:</b>	<b>Sedgeford</b>	
<b>Proposal:</b>	<b>Phased development including demolition of existing buildings and construction of 8No. dwellings</b>	
<b>Location:</b>	<b>Sedgeford Tennis Centre Ringstead Road Sedgeford Hunstanton</b>	
<b>Applicant:</b>	<b>Mr Ian Mason</b>	
<b>Case No:</b>	<b>23/01873/F (Full Application)</b>	
<b>Case Officer:</b>	<b>Mrs N Osler</b>	<b>Date for Determination: 21 December 2023 Extension of Time Expiry Date: 5 July 2024</b>

<b>Reason for Referral to Planning Committee</b> – <i>Called in by Cllr Jamieson and Officer Recommendation is Contrary to Parish Council Recommendation</i>
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<b>Neighbourhood Plan:</b> Yes
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<p><b>Case Summary</b></p> <p>Full planning permission is sought for the construction of 8no. dwellings following demolition of existing buildings on the site.</p> <p>The site is largely rectangular in shape and currently accommodates four substantial buildings pertaining to previous uses on the site. The site was a former tennis centre and included a manager’s flat. However, following failure of the business the use of the site was changed to agriculture.</p> <p>The site lies well outside of the development boundary for Sedgeford in land designated as countryside. The site is located with the North Norfolk National Landscape (formerly known as the Area of Outstanding Natural Beauty.)</p> <p>Access to the site is from Ringstead Road to the east.</p> <p>The site does not lie in any designated flood risk area and is some 700m to the north of Sedgeford Conservation Area.</p> <p>Additionally, the site lies adjacent to the Former Sedgeford Railway Station which is listed in Sedgeford Neighbourhood Plan as a building of local historic interest.</p> <p><b>Key Issues</b></p> <p>Principle of Development Form and Character and Impact on the North Norfolk National Landscape Residential Amenity Highway Issues Housing Mix Loss of Employment Use Drainage Ecology, Biodiversity and Protected Sites</p>
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S106 Considerations  
Crime and Disorder  
Other Material Considerations

**Recommendation**

**REFUSE**

**THE APPLICATION**

Full planning permission is sought for the construction of 8no. dwellings following demolition of existing buildings on the site. The current planning use of the site is agriculture following failure of the previous leisure business on the site and consent to change the use.

The site lies outside of the development boundary for Sedgeford (a Rural Village as classified in the Settlement Hierarchy of the Local Plan) and therefore countryside in planning terms.

The site currently accommodates four substantial buildings pertaining to previous uses on the site and it is proposed to demolish these buildings and erect 8no. dwellings. One dwelling (plot 1) would be an affordable rent property.

The dwellings would be two storey and comprise:

- Plots 1 and 2 - a pair of semis, plot 1 being 4-bed and plot 2 being 3-bed,
- Plots 3 and 4 - a pair of 3-bed semis,
- Plot 5 - a detached 5-bed dwelling,
- Plots 6 and 7 - a pair of 4-bed semis, and
- Plot 8 a 3-bed detached dwelling.

The proposed materials are:

- Plots 1, 2, 3 and 4 – antique red brick with carrstone infill and brushed steel or aluminium rainwater goods,
- Plot 5 – antique red brick with chalk infill and black uPVC rainwater goods,
- Plots 6, 7 and 8 - antique red brick with carrstone infill and black uPVC rainwater goods,
- Where provided detached cart sheds (plots 5 and 8) would be timber under a pantile roof, and garages (plots 2-4 inclusive) would be brick under a pantile roof. Plots 6 and 7 have integrated cart sheds,
- All the dwellings would have red clay pantile roofs and cream uPVC flush casement window frames.

In terms of ridge heights:

- Plots 1 – 4 inclusive – main ridge height 7.5m, eaves height 4.1m,
- Plot 5 – main ridge height 8.1m, eaves height 5.3m,
- Plots 6 and 7 – main ridge height 8.5m, higher eaves height (rear) 5.2m; lower eaves height (front) 2.5m, and
- Plot 8 – main ridge height 8.5m, higher eaves height (front) 5.3m; lower eaves height (rear) 2.6m.

The existing western buildings have ridge heights of 8.4m and eaves heights of 5.3m, whilst the apex of the domed building is 9.6m.

There is an approximate change in levels between the western and eastern part of the site of 2m, and 1.5m change south to north.

Outer boundary treatments (around the perimeter of the site) comprise mesh weld fence enclosing hedgerows, whilst internal treatments include tapered close boarded timber fencing, post and rail fencing and low-level native hedging. All existing trees would be retained except for a group of Leyland Cypresses in the southwest corner of the site; 37 new trees are indicatively shown on the Proposed Boundary Treatment and Indicative Landscaping Plan.

The site lies within the North Norfolk National Landscape.

Access to the site will be from the existing access from Ringstead Road to the east.

## **SUPPORTING CASE**

*Background:* Anyone who has visited or has knowledge of this site within recent years will know that it has been an active target for vandalism and anti-social behaviour ever since the closure of the Tennis Centre in April 2011. Following the closure, the applicant advertised the premises for sale in hopes of a potential commercial purchaser but unfortunately no contacts were made which has left the applicant with an unoccupied commercial premises.

The large buildings are currently part-used for storage of farm machinery, following a 2014 permission for change of use although it is clear to see that the buildings as they stand are not ideally suited for this use and thus not a sustainable or long-term solution.

*Proposal:* The proposals submitted are for 8No dwellings, four of which are two pairs of semi-detached cottages which are to reflect farm workers cottages in association with a farmyard setting. The rest are of barn conversion appearance to reflect the local characteristics of a rural environment.

All materials proposed are to reflect a traditional barn or cottage by utilising red facing brickwork with carrstone infills, rustic red clay pantiles, cream uPVC windows and black guttering/downpipes fixed to corbelled eaves. These materials proposed will blend into the environment, together with the proposed landscaping, compared to the current industrial style, steel framed buildings with bright white metal sheeting, which catch light, together with the wholly incongruous green tennis dome.

*Planning Policy:* It is recognised that the site lies north of the development boundary of Sedgeford. However, it should also be recognised that this site comprises of a brownfield development opportunity on a derelict site that is currently attracting anti-social behaviour. There is support locally for these proposals to secure its long-term viable future.

The proposals meet the requirements of paragraph 83 in promoting sustainable development in rural areas to maintain and enhance the vitality of rural communities.

Policy CS10 looks to retain employment uses but the former tennis centre has not been in use for some 13 years now, demonstrating a lack of demand. The location of the site further means that commercial use and employment are unlikely. This would also generate significantly greater vehicle movement than a residential use, which would not be welcomed. A residential development would be more financially viable and provide much-needed new homes to meet the identified housing demand, including an affordable housing contribution.



With the aforementioned design considerations, the proposals are therefore considered to be in accordance with Section 12 of the Framework and Policy DM14, CS08 and relevant parts of H4 as they will protect and enhance the amenity of the wider environment – creating a high quality, biodiverse and sustainable development.

Although this planning application has been considered against the current development plan, it is considered that there is no conflict with the Framework and that there are benefits to the scheme that outweigh any limited degree of conflict with the development plan.

*AONB:* The current state of the site makes an extremely limited contribution, and subsequently is detrimental to the AONB. The proposals presented provide an enhancement by removing height, massing, and breaking down the long expanses of out of character bright white clad industrial buildings.

*Public Engagement:* Throughout the course of this application great efforts have been made to maintain clear communication with the local community. Meetings with the Parish Council along with invitations to view the site were undertaken. The applicant also provided a contact number for local residents to discuss the proposals and/or visit the site themselves.

Attention should be brought to the fact the planning application has received nine public comments; seven of which are in support, one which is neutral (although this was more of an informative) and one which was an objection. The significant amount of support for this application should imply that that the local community are also in favour of this development.

One neighbouring objection was received which was addressed through direct communication with the neighbour to alleviate all their concerns via amendments to the plans. Subsequently their objections were removed, and it is noted that they supported the development in principle.

With all of the above considerations taken into account, we strongly believe that planning permission be granted.

## **PLANNING HISTORY**

14/01207/F: Application Permitted: 22/05/15 - Change of use from D2 assembly and leisure to agricultural use for agricultural storage. Delegation Decision.

2/00/0187/F: Application Permitted: 20/06/00 - Squash court and fitness suite extension and construction of covered tennis court together with associated car parking. Committee Decision.

## **RESPONSE TO CONSULTATION**

**Parish Council:** Following the submission of amended plans, Sedgeford Parish Council retains its **SUPPORT** for this development.

Sedgeford Parish Council stands by its original full support for the development of this derelict, unattractive brownfield site.

The current dilapidated buildings, together with the disused tennis dome, have been a blot on the landscape for a number of years and do not in any way complement the surrounding area.

The site has regularly attracted vandalism, which is a cause of great concern for village residents.

Following proactive consultation from the developers with the local community the design and plans have been adapted to meet the aesthetic of the village and local landscape with a priority on protecting and enhancing wildlife habitats.

The Parish Council welcome the changes to design which take account of earlier comments and strongly urge the Committee to agree to these plans.

**Highways Authority (NCC): NO OBJECTION** The proposal would see the replacement of all buildings on site with 7 new dwellings, served from the existing point of access, which allows adequate visibility onto the Ringstead Road, which does not benefit from any formal pedestrian provision for around 500m south towards the village core.

Whilst it is likely that the site had the propensity to generate vehicle traffic, the habitual 42 daily vehicle movements, pedestrian footfall and School transport demand attributable to the 7 proposed dwellings would not be generated by the agricultural use of the site and has not been detailed in relation to the racket sports uses.

It is considered that the residential use would engender increased vehicular activity, reliance upon private cars, contrary to sustainability objectives and introduce further demands on the public purse, however, there are no highway safety reasons to resist the proposal, given the existing access arrangements.

However, a reduction in overall property numbers to 5 would be more comparable to the likely traffic patterns of the existing use and would balance my transport sustainability concerns in relation to the lack of pedestrian facilities and educational transport implications.

**Housing Team (BCKLWN): NO OBJECTION** subject to securing affordable housing. In this instance 20% is required which is 1.6 units which should be provided as 1 no. onsite unit for rent and a commuted sum of £36,000 (£12,000 for each 0.2 of a unit) by S106 Agreement.

**Protected Landscapes Manager (Norfolk Coast Partnership): OBJECT** This proposal is within the Norfolk Coast Area of Outstanding Natural Beauty (AONB), which is distinguished from other places by a combination of key qualities which make the Area unique and worthy of designation. Further information on the character of the area can be found in the National Character Area profiles produced by Natural England, the 2019-24 Norfolk Coast AONB Management Plan and the Integrated Landscape Character Guidance for the AONB.

- The proposed development is sited outside of the development boundary for Sedgeford as depicted in the Local and Neighbourhood Plans. It can therefore be considered to lie within the countryside, where new residential accommodation is generally limited to dwellings essential for a rural enterprise, which does not appear to be the case here. We understand and are supportive of the need for sustainable rural economies and recognise farming as a key industry for the AONB. However, we believe this proposal exceeds what would be required for housing for a farm manager.
- We appreciate that the design is intended to replicate the nucleated layout of traditional farm buildings, however the location, size and scale of the proposal is likely negatively impact the settlement pattern of this area and the intrinsic character and beauty of the countryside.
- This proposal is close to Internationally, European and nationally designated sites, and within one or more SSSI Impact Risk Zones. The National Planning Policy Framework (paragraph 175c) states that development likely to have an adverse effect on SSSIs

should not normally be permitted. The impact of the proposed development on nearby SSSIs has not been fully explored, the impacts have not been assessed and no potential mitigation measures have been outlined. The planting schemes proposed are very limited and do not offer any meaningful enhancement or improvements to habitat connectivity in the area, and do not secure any significant net gain for biodiversity or the wider environment.

- The design of the dwellings proposed contain large amounts of glazing, with no consideration or mitigation of the light pollution this is likely to cause to the surrounding area. This location is outside of the village boundary and surrounded on three sides by open agricultural land. The impact of light emitted from these new dwellings is therefore likely to have significant negative visual impacts and will also negatively impact biodiversity in this area.

We do not believe that this proposal will conserve or enhance the AONB in any way, in accordance with NPPF 172, and consequently do not support it.

**Conservation Officer (BCKLWN): NO OBJECTION** Some minor alterations have been made to the fenestration which have improved their appearance and the site plan has been amended to show an L shaped arrangement of barns to the rear of the site instead of a linear line. This is more in keeping with a barn style development in a rural context.

Plot 5 retains a brick chimney which is entirely out of keeping with an agricultural barn and is more akin to a rather standard housing development found anywhere. It would be preferred if this could be removed as it impacts upon the success of this plot to integrate into the barn aesthetic of the site.

The amended plans are an improvement on the previously submitted scheme but the success of the scheme will be in the detail and the removal of the chimney on plot 5.

We therefore consider that with a minor tweak to the removal of the chimney, the scheme could be considered acceptable.

If you are minded to approve, please consider conditions relating to the following:

- Joinery details
- Rooflight details
- Sample panel
- Details of all external materials
- Vents ducts and flues
- Rainwater goods
- Hard and soft landscaping.

**Environmental Quality (BCKLWN): NO OBJECTION** The proposal is to demolish the former Tennis and Fitness Centre buildings and associated structures, and to build new homes. The applicant has submitted several documents that refer to the previous uses of this brownfield site:

Planning Statement, Sept 2023

Design and Access Statement, Sept 2023

Contaminated Land Screening Assessment, Sept 2023

These buildings include former tennis courts and associated facilities including offices, described generally of a pitched roof and steel construction. The current use is for storage of agricultural machinery in line with the most recent planning permission 14/01207/F.

The information provided provides details from historical maps which confirms that the land has been in agricultural use, followed by commercial and then for storage of agricultural

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vehicles and machinery. The site is reported to be alongside the converted former Sedgeford Station and closed railway line. Reference to historical maps shows a tank present on the former agricultural buildings. The screening assessment says that chemicals were not stored on site. It is not known whether this is the case for the earlier agricultural use, or if the former tank was for fuel.

The screening assessment states that no contamination is suspected. However, there are potential sources which have not been considered, so further investigation will be required to ensure that the site will be suitable for its proposed use taking account of ground conditions and any risks arising from land contamination as required by NPPF para 189. In order to require this safeguard I recommend the full suite of contamination conditions be appended to any permission granted.

The screening assessment states that asbestos material is not suspected in the current buildings, however due to the age of the commercial buildings (pre-2000) and also the previous agricultural buildings, asbestos materials may be present. I therefore recommend a suitable informative be appended to any permission.

**Community Safety and Neighbourhood Nuisance (BCKLWN): NO COMMENTS TO MAKE**

**Internal Drainage Board:** The site in question lies outside the Internal Drainage District of the King's Lynn Internal Drainage Board, the proposed application is classed as a minor development and does not meet our threshold for commenting. Therefore, the Board has **NO COMMENTS TO MAKE.**

**Anglian Water:** There is no connection to the Anglian Water sewers, we therefore have **NO COMMENTS TO MAKE.**

**Sport England:** I can't see a reason for opposing this application because the site is in need of redevelopment. This being the case, Sport England does not wish to raise an objection and offers its **SUPPORT** to this application.

**Natural England: NO OBJECTION** subject to securing appropriate mitigation which in this instance should be the GIRAMs payments.

The submitted Habitats Regulations Assessments (shadow appropriate assessment) is of a standard that can be adopted by the Local Planning Authority as competent authority, and Natural England agrees with its conclusion that securing appropriate mitigation (GIRAMs payment) will mean that the development would not result in adverse impacts on protected sites as a result of recreational pressure.

**Senior Ecologist (BCKLWN): NO OBJECTION** I am pleased to see that the recommended enhancements have been included on the Proposed Boundary Treatment Plan and Indicative Landscaping Plan. I have no issues with these proposals and recommend that they are secured in accordance with this document. The location of these features should also be transposed on to the elevation drawings where possible to ensure constancy across project documents.

Details of the type of boxes to be used for bats and birds should be agreed with the LPA prior to installation. I recommend that all boxes be either Schwegler or woodstone boxes which typically have a higher longevity than traditional wooden boxes.

If you are minded to grant consent please still consider conditioning lighting and adding an informative in relation to site clearance and nesting birds.

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**Arboricultural Officer (BCKLWN):** I have **NO OBJECTION** in principle to this proposal, and the applicant has demonstrated that existing trees can be successfully retained in the development. Conditions relating to tree protection and hard and soft landscaping will be required.

**Norfolk Fire and Rescue: NO OBJECTION.** A fire hydrant will need to be secured by condition to be provided at the developer's expense.

**Norfolk Constabulary: SUPPORT** No additional comments to make following submission of amended plans, and I would recommend that the agent considers applying for full Secured by Design Gold Award.

**Emergency Planning Officer (BCKLWN):** The site does not lie in an area at risk of flooding. I therefore have **NO COMMENTS TO MAKE.**

**Conservation Area Advisory Panel (BCKLWN): NO OBJECTION** Following the submission of amended plans.

## **REPRESENTATIONS**

**SEVEN** letters of **SUPPORT** have been received. The reasons for support can be summarised as:

- The current site attracts vandalism and is an eyesore,
- New housing would be better than the existing buildings,
- A residential development would greatly enhance the village both visually and provide much needed new housing for families,
- The present buildings are visually intrusive and cause harm,
- The development should have some homes that are designated for local people and not second homeowners,
- The AONB officer has clearly never visited the site and whilst her comments may have been valid in relation to development of a greenfield site the site is not a greenfield site. How can 50 years of trains, lorries, tractors, factories working 24/7, and people community to the gym / playing tennis have less impact on SSSI's than seven dwellings?

**ONE** letter of **OBJECTION** has been received. The reasons for objection can be summarised as:

- Impact on the AONB
- Impact on nearby residential properties.

## **LDF CORE STRATEGY POLICIES**

**CS01** - Spatial Strategy

**CS02** - The Settlement Hierarchy

**CS06** - Development in Rural Areas

**CS08** - Sustainable Development

**CS09** - Housing Distribution

**CS10** - The Economy

**CS11** – Transport

**CS12** - Environmental Assets

**CS13** - Community and Culture

**CS14** - Infrastructure Provision

## **SITE ALLOCATIONS AND DEVELOPMENT MANAGEMENT POLICIES PLAN 2016**

**DM1** – Presumption in Favour of Sustainable Development

**DM2** – Development Boundaries

**DM15** – Environment, Design and Amenity

**DM17** - Parking Provision in New Development

**DM19** - Green Infrastructure/Habitats Monitoring & Mitigation

## **NEIGHBOURHOOD PLAN POLICIES**

Policy H3: Infill development within the Development Boundary

Policy H4: Development outside the development boundary

Policy H5: Housing Mix

Policy H8: New Housing as Permanent Dwellings

Policy E5: Conservation Area and buildings of historical interest

Policy E6: Dark Skies

## **NATIONAL GUIDANCE**

National Planning Policy Framework (NPPF)

Planning Practice Guidance (PPG)

National Design Guide 2021

## **PLANNING CONSIDERATIONS**

The main considerations are:

Principle of Development

Form and Character and Impact on the North Norfolk National Landscape

Residential Amenity

Highway Issues

Housing Mix

Loss of Employment Use

Drainage

Ecology, Biodiversity and Protected Sites

S106 Considerations

Crime and Disorder

Other Material Considerations

### **Principle of Development:**

Planning law requires that applications for planning permission be determined in accordance with the development plan unless material considerations indicate otherwise (para 2, NPPF.)

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The development plan comprises the Core Strategy, 2011 (CS), the Site Allocations and Development Management Policies Plan, 2016 (SADMP) and the Sedgford Neighbourhood Plan, 2019.

The proposal represents development outside of the development boundary for Sedgford as shown both in the SADMP and Sedgford Neighbourhood Plan. The development would therefore be on land designated as countryside.

The current permitted planning use of the site is agriculture by virtue of implementation of consent for change of use to agricultural use for agricultural storage granted under application 14/01207/F. However, it is acknowledged that not all the buildings were converted to agricultural storage and some buildings retain features of their past recreational use. It should be noted that 'agriculture' does not fall within the definition of previously developed land given in 'Appendix 2: Glossary' of the NPPF. As a starting point therefore, the site is not a brownfield site / does not constitute previously developed land.

Notwithstanding this, new residential development in the countryside is generally resisted at both national and local level unless essential for agriculture or forestry to ensure the protection of the intrinsic character and beauty of the countryside (Development Plan Policy CS06) or is subject to other enabling policies as outlined in Development Plan Policy DM2.

Development Plan Policy CS06 states *Beyond the villages and in the countryside, the strategy will be to protect the countryside for its intrinsic character and beauty, the diversity of its landscapes, heritage and wildlife, and its natural resources to be enjoyed by all. The development of greenfield sites will be resisted unless essential for agricultural or forestry needs.*

*The strategy will be supportive of farm diversification schemes and conversion of existing buildings for business purposes in accordance with Policy CS10 providing any proposal:*

- *meets sustainable development objectives and helps to sustain the agricultural enterprise;*
- *is consistent in its scale with its rural location;*
- *is beneficial to local economic and social needs;*
- *does not adversely affect the building and the surrounding area or detract from residential amenity.*

*Conversion to residential use will only be considered where:*

- *the existing building makes a positive contribution to the landscape;*
- *a non-residential use is proven to be unviable;*
- *the accommodation to be provided is commensurate to the site's relationship to the settlement pattern; and the building is easily accessible to existing housing, employment and services.*

In relation to these policy requirements, the development is not essential for agricultural or forestry needs, does not represent farm diversification and would not retain the existing buildings which it is acknowledged later in this report do not make a positive contribution to the landscape.

Development Plan Policy DM2 states *The areas outside development boundaries (excepting specific allocations for development) will be treated as countryside where new development will be more restricted and will be limited to that identified as suitable in rural areas by other policies of the local plan, including:*

- *farm diversification (under Core Strategy Policy CS06);*
- *small scale employment (under Core Strategy Policy CS10);*

- *tourism facilities (under Core Strategy Policy CS10);*
- *community facilities, development in support (under Core Strategy Policy CS13);*
- *renewable energy generation (under Policy DM20 of the rural economy or to this Plan);*
- *rural workers' housing (under Policy DM6 of this Plan); and*
- *affordable housing (under Core Strategy Policy CS09)*

The proposed development does not represent any of these enabling criteria.

Neighbourhood Plan Policy H4 states *Outside the village development boundary new housing development will only be supported in accordance with Local Plan and national policies for development in the countryside, including, where there is clear evidence of local need, the development of affordable housing, to be retained as such in perpetuity on rural exception sites. Development proposals outside the development boundary should demonstrate that:*

- *They are adjacent to the development boundary,*
- *They would not be intrusive in the countryside, particularly the AONB,*
- *They would not have an unacceptable detrimental impact on the living conditions of neighbouring residents...*

The proposed development does not represent a rural exception site, is not adjacent to the development boundary, and would be intrusive in the countryside, particularly the AONB.

The proposed development would therefore result in residential development in the countryside that is contrary to the overarching aims of directing development to the most sustainable locations and does not fall within any of the enabling policies for development in the countryside and is therefore contrary to the NPPF in general and specifically to paragraph 2 of the NPPF and Development Plan Policies CS01, CS02, CS06, and DM2 and Neighbourhood Plan Policy H4.

However, in this instance there is a material consideration that needs to be weighed in the planning balance, and that is that the existing built form on the site is considered by some to detract from the visual amenity of the locality and in particular the Designated National Landscape. This is the basis for support of the Parish Council and third-party representatives and the reason for the call-in by Cllr Jamieson.

### **Form and Character and Impact on the North Norfolk National Landscape:**

#### *National Landscape and Design Matters:*

The site lies within the designated North Norfolk National Landscape.

Paragraph 180 of the NPPF requires planning decisions to contribute and enhance the natural and local environment by protecting and enhancing valued landscapes...and recognising the intrinsic character and beauty of the countryside.

Paragraph 182 goes on to states *Great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty which have the highest status of protection in relation to these issues... The scale and extent of development within all these designated areas should be limited, while development within their setting should be sensitively located and designed to avoid or minimise adverse impacts on the designated areas.*

Paragraph 183 continues by stating *When considering applications for development within National Parks, the Broads and Areas of Outstanding Natural Beauty, permission should be refused for major development other than in exceptional circumstances, and where it can be*



*demonstrated that the development is in the public interest. Consideration of such applications should include an assessment of:*

- a) the need for the development, including in terms of any national considerations, and the impact of permitting it, or refusing it, upon the local economy;*
- b) the cost of, and scope for, developing outside the designated area, or meeting the need for it in some other way; and*
- c) any detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which that could be moderated.*

In relation to the definition of major development, the NPPF states, at footnote 64, *For the purposes of paragraphs 182 and 183, whether a proposal is 'major development' is a matter for the decision maker, taking into account its nature, scale and setting, and whether it could have a significant adverse impact on the purposes for which the area has been designated or defined.*

Therefore, whether the development is major development [to be defined by the impact it would have on the National Landscape] has a significant bearing on whether the application should be refused other than in exceptional circumstances.

Natural England makes no mention of the North Norfolk National Landscape in their response and, as national custodians of these designated areas, this lack of comment suggests that they do not consider that the development would result in harm to the designation.

However, the Norfolk Coast Partnership did object to the initial submission although they have not made further comments in relation to any of the amendments. However, their initial comments do not specify how they believe the proposed development would result in harm to the National Landscape other than in terms of light pollution which could be suitably addressed by lighting and glazing conditions if permission were granted.

Your officers do not therefore consider that the development is major development for the purposes of the NPPF.

Notwithstanding this, the LPA is still required to give great weight to conserving and enhancing landscape and scenic beauty in the National Landscape designations and ensure that the scale and extent of development within these designations is limited.

In this regard, as previously mentioned, the Parish Council and several third parties consider that the existing built form on the site is harmful to the National Landscape and that the replacement of the existing buildings with the proposed residential development would be an improvement and enhance the National Landscape.

In terms of scale and mass the proposed development would be no taller and would have less mass than the existing buildings, and it could be argued that the red pantile roofs that would be seen in distant views would appear less alien than some of the existing buildings, especially the green domed building.

Additionally, the proposed dwellings would have a smaller combined footprint than the existing buildings and the development would provide biodiversity net gain in the form of native hedgerows, additional trees, and areas of pollen rich flower beds, and rich grassland mix planting as well as garden lawns.

However, conversely there would be increased activity associated with the site and general residential paraphernalia. The site would be occupied 24/7 given the principal dwelling

occupancy requirement in Neighbourhood Plan Policy H8 that would be secured by S106 Agreement if permission were granted.

Members therefore need to carefully consider whether the existing type of built form and activity associated with the site is more harmful to the National Landscape than the proposed residential use and activity.

Your officers consider that the scale and extent of the proposed development is acceptable given the existing built form on the site, and that the development would conserve / have a neutral impact on the National Landscape by replacing one type of built form and activity with another type of built form and activity.

Paragraph 135 of the NPPF states *Planning policies and decisions should ensure that developments:*

- a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;*
- b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;*
- c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);*
- d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;*
- e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and*
- f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.*

This is reiterated in Development Plan Policies CS08 and DM15.

Sedgeford Neighbourhood Plan does not have a policy that relates to general design considerations for development other than infill development within the development boundaries, of which this development does not fall. However, it is reasonable to assume that the general guidance given for how development should integrate into its surroundings within the development boundary could equally be attributed to this proposal. In that regard Neighbourhood Plan Policy H3 states... *development of individual or small groups of dwellings will be supported where:*

- They would relate well to the neighbouring development in terms of height, scale and impact on the street scene, and, where applicable, would preserve or enhance the character or appearance of the Conservation Area, and*
- They would not have an unacceptable detrimental impact on the living conditions of the occupants of neighbouring property, and*
- The provision of a vehicular access would not have an unacceptable detrimental impact on to highway safety and on-site parking can be provided in accordance with NCC standards.*
- Dwellings should maintain adequate spacing and not appear cramped on the plot or in relation to neighbouring dwellings and their footprint should not normally exceed 40% of the plot area;*
- The development does not conflict with other development plan policies.*

It is considered that the scale, mass, design, materials and density of the proposed development is acceptable given the existing built form on the site.

There are other examples of small enclaves of residential dwellings within the countryside and in this respect, given the existing built form on the site, it is considered that the proposed development would be visually attractive, sympathetic to local character, establish a strong sense of place and offer a high standard of amenity for future occupiers of the new dwellings whilst not resulting in unacceptable impacts on occupiers of existing neighbouring dwellings.

*Heritage Assets:*

Whilst the Conservation Team were consulted on this application, and their comments have been incorporated into amendments made by the applicant, the distance from the site to the nearest part of the Conservation Area (approximately 700m), together with the means of obstruction by virtue of the topography of the land, means it would be difficult to suggest that either the existing or proposed developments would have a material impact on Sedgford Conservation Area.

The site lies to the north of the Former Sedgford Railway Station which is listed in Neighbourhood Plan Policy E5 as a building of local historic interest. Policy E5 states *New development should respect the built heritage of Sedgford and proposals for development within the Conservation Area will be required to demonstrate that they have taken the Sedgford Conservation Area Character Statement (draft) of 1990 into account.*

*Development that would affect the buildings listed below and shown on Map 9 which do not have a formal heritage designation should take account of their historic interest and character.*

1. King William IV Public House
2. Former Sedgford Railway Station
3. The Primary School.

In relation to this, a brief reference is given to the railway station that lies to the southeast of the site in the Design and Access and Planning Statements. The applicant considers that the proposed residential use of the site would have no greater impact on the setting of the former railway station than the existing adjacent uses. Your officers tend to agree with this.

*Summary:*

For the reasons outlined above, it is therefore considered, in relation to Form and Character and the Impact on the North Norfolk National Landscape, that the development is in general accordance with the NPPF and specifically with paragraphs 135, 180, 182, 183 of the NPPF, Development Plan Policies CS08 and DM15 and Neighbourhood Plan Policy H3.

**Residential Amenity:**

Policies outlined previously in this report under the section Form and Character (paragraph 135 of the NPPF, Development Plan Policy DM15 and Neighbourhood Plan Policy H3) require development to take account of residential amenity and require consideration to be given to overlooking, overbearing and overshadowing impacts to ensure a high standard of amenity for both existing and future occupants.

Access to the site is via the existing access from Ringstead Road to the east and the existing track and new access road will be replaced with a porous asphalt access road which having a harsh appearance in this rural setting should not result in any material noise impacts. If permission were granted the materials of the access road could be suitably conditioned to ensure the impact is not too harsh.

The development would result in an increase in nighttime activity and domestic noise and lighting associated with the proposed development. However, a residential use is not generally considered to be a 'nuisance neighbour'. Furthermore, the closest residential dwelling (Station House) lies to the southeast of the site and would be approximately 90m away from the closest proposed dwelling (plot 1) although is relatively close to the access.

The Community Safety and Neighbourhood Nuisance Team raise no concerns with the proposed development in terms of noise.

It is therefore considered in relation to residential amenity that the development accords with the NPPF in general and specifically to paragraph 135 of the NPPF, Development Plan Policy DM15 and Neighbourhood Plan Policy H3.

### **Highway Issues:**

Paragraphs 114, 115 and 116 of the NPPF relate specifically to sustainable transport, safe and suitable access for all, the design of streets, highway standards and parking provision. These issues are reiterated in Development Plan Policies CS11, DM15 and DM17 which require development to, amongst other things, reduce the need to travel (by providing development in sustainable locations), provide safe and convenient access for all modes and provide parking in line with residential parking standards which require 1 space for a 1-bed unit, 2 spaces for 2 and 3-bed units and 3 spaces for 4 or more-bed units.

Paragraph 116 of the NFF states *applications for development should:*

- a) *give priority first to pedestrian and cycle movements, both within the scheme and with neighbouring areas; and second – 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;*
- b) *address the needs of people with disabilities and reduced mobility in relation to all modes of transport;*
- c) *create places that are safe, secure and attractive – which minimise the scope for conflicts between pedestrians, cyclists and vehicles, avoid unnecessary street clutter, and respond to local character and design standards;*
- d) *allow for the efficient delivery of goods, and access by service and emergency vehicles; and*
- e) *be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations.*

The site is located some distance from the settlement proper of Sedgford and the road is not particularly wide, has no footpath and is not lit. This, coupled with the topography of the land, suggests access to the site for those with disabilities and reduced mobility or those with infants and small children are likely to find any method of transport other than the private car less favourable. In terms of sustainable transport, the site does not offer priority to users other than those using private vehicles and therefore the development is contrary to the paragraph 116 of the NPPF and Development Plan Policy CS11.

Paragraph 104 of the NPPF requires planning decisions to protect and enhance public rights of way and access. A public right of way runs to the south of the site (Sedgford BR3) but is unaffected by the proposed development.

Parking provision has been shown to be in accordance with NCC parking standards and therefore accords with Development Plan Policies CS11 and DM15 and Neighbourhood Plan Policy H3.

The Local Highway Authority (LHA) raised concerns when the proposed development only sought 7no dwellings. Further comments have not been received from them in relation to any of the amended schemes. Notwithstanding this, the LHA also made it clear in their initial response that they did not believe that they could sustain an objection on highway safety grounds.

Whilst the site access itself with the wider road network can provide suitable and safe access and parking provision is in accordance with parking standards, the site is not in a sustainable location in terms of transport with the chance of using other modes of transport than the private car slim and certainly not prioritised as required by paragraph 116 of the NPPF or Development Plan Policy CS11. It is therefore considered that in terms of sustainable transport the development is contrary to the NPPF in general and specifically to paragraph 116 of the NPPF and Development Plan policy CS11.

### **Housing Mix:**

Paragraph 60 of the NPPF states, in relation to delivering a sufficient supply of homes *The overall aim should be to meet as much of an area's identified housing need as possible, including with an appropriate mix of housing types for the local community.*

This is reiterated in Neighbourhood Plan Policy H5 that states *Proposals for new residential development of two or more houses should demonstrate how the housing mix reflects the identified need for two and three-bedroom dwellings, or the need identified by the most up to date published information on housing need, having regard to the characteristics of the site.*

The proposed development is for:

- 1 x 5-bed dwelling
- 3 x 4-bed dwellings
- 4 x 3-bed dwellings
- 0 x 2-bed dwellings.

It is acknowledged that the housing team requested one of the proposed 3-bed dwellings was altered to a 4-bed dwelling to meet the affordable housing need. However, no further justification has been given as to why no 2-bed dwellings are provided or why 50% of the units have four or more bedrooms when only 1no. 4-bed dwelling is required to meet an identified need.

In relation to housing mix it is therefore considered that the development does not accord with paragraph 60 of the NPPF or Neighbourhood Plan Policy H5.

### **Loss of Employment Use:**

As previously stated, the site and buildings fall within agricultural use following implementation of a change of use application granted permission in May 2015 under application 14/01207/F and is not therefore classed as *previously developed land*.

Agricultural uses are considered employment uses and Development Plan Policy CS10 seeks to retain employment land and states *The Council will seek to retain land or premises currently or last used for employment purposes (including agricultural uses) unless it can be demonstrated that:*

- *continued use of the site for employment purposes is no longer viable, taking into account the site's characteristics, quality of buildings, and existing or potential market demand; or*
- *use of the site for employment purposes gives rise to unacceptable environmental or accessibility problems particularly for sustainable modes of transport; or*

- *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 agenda.*

In relation to the rural economy, paragraph 88 of the NPPF states *Planning policies and decisions should enable:*

- a) the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed, beautiful new buildings;*
- b) the development and diversification of agricultural and other land-based rural businesses;*
- c) sustainable rural tourism and leisure developments which respect the character*
- d) of the countryside; and*
- e) the retention and development of accessible local services and community facilities such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship.*

The applicant covers the loss of the employment use in their planning statement and the following summarises the points made:

- There is a clear lack of demand for a leisure use,
- The location of the site means that further commercial and employment generating uses are unlikely to be suitable and would generate significantly greater vehicle movements than the proposed residential use,
- The agricultural permission was only part implemented and the majority of the buildings are not readily available for agricultural storage due to internally comprising abandoned tennis courts and associated facilities including changing rooms and bar,
- Likewise, the buildings could not easily be converted to rural offices,
- There is no demand for agricultural storage from their client's perspective,
- There has been no demand for commercial use of the space in the lengthy period the site has remained vacant and given the significant costs and challenges for conversion, a developer would not undertake this at risk for a speculative commercial use with no end-user identified.

Whilst the summary above sounds reasonable at face value, it is not based on any quantitative information; the site does not appear to have been advertised and no information has been submitted from local agents to confirm there is no known local demand for any of the uses dismissed by the applicant.

It is therefore considered that insufficient justification has been given for the loss of the existing employment use or consideration of alternative employment uses that would support the rural economy. The development is therefore contrary to the NPPF in general and specifically to paragraph 88 of the NPPF and Development Plan Policy CS10.

### **Drainage:**

Paragraph 175 of the NPPF requires major developments to incorporate sustainable drainage systems (SUDS) unless there is clear evidence that this would be inappropriate. This is reiterated in Development Plan Policies CS08 and CS12. However, as previously ascertained the development is not classed as major development. Notwithstanding this, soakaways are a form of SUDS.

Both Anglian Water and the IDB have confirmed they have no comments to make, and the proposed drainage, which shows surface water drainage is via either shared or individual soakaways and foul water drainage via individual sewage treatment plants, accords with the drainage hierarchy.

Ultimately drainage will be controlled under building regulations. However, it can be concluded that drainage has been suitably addressed, and, in this regard, the development accords with the NPPF in general and Development Plan Policies CS08 and CS12.

### **Ecology, Biodiversity and Protected Sites:**

Paragraph 180d) of the NPPF requires planning decision to *minimise impacts on and provide net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures.*

This is reiterated in Development Plan Policy CS12.

The LPA's Senior Ecologist agrees with the findings of the Ecology Report that accompanied the application (no likely impacts other than in relation to breeding birds which could be covered by an informative if permission were granted, and no further surveys required) and confirms that the proposed ecological enhancements, that are shown on plans, are acceptable. A condition is requested specifying the type of bat and bird boxes to be installed prior to their installation and in relation to external lighting. A lighting condition would also address Neighbourhood Plan Policy E6 that deals with dark skies.

In relation to European protected sites Natural England has confirmed that the shadow Habitat Regulations Assessment (sHRA) submitted with the application is of a standard that can be adopted by the LPA as competent authority. The conclusion of the sHRA is that there would be no direct impacts and that indirect impacts can be mitigated by payment of the GIRAMS fee in line with Development Plan Policy DM19. This would be secured within the S106 Agreement if permission were granted.

It is therefore considered that ecology, biodiversity, and protected sites can be suitably dealt with either by condition or within a S106 Agreement. Therefore, in this regard, the development accords with the NPPF in general and specifically to paragraph 180d) of the NPPF, Development Plan Policies CS12 and DM19 and Neighbourhood Plan Policy E6.

### **S106 Considerations:**

If permission were granted a S106 Agreement would be required to secure:

- 1 no. affordable on-site unit and a £36,000 commuted sum,
- dwellings to be occupied as principal residencies as defined in the Neighbourhood Plan, and
- £221.17 per dwelling GIRAMS fee
- £500 per clause monitoring fee.

### **Crime and Disorder:**

There are no specific crime and disorder issues arising from the proposed development, and the designing out crime officer suggests the applicant apply for the full Secured by Design Gold Award if permission were granted.

### **Other Material Considerations:**

Contamination, materials (including access track), lighting, glazing, fire hydrant(s), tree protection and landscaping, could be suitably conditioned if permission were granted.

It is not considered that there are any other material considerations or representations that have not been covered in the main body of this report.

## CONCLUSION:

The proposal represents development outside of the development boundary of a site that is not previously development land as defined in the NPPF and is therefore in conflict with development plan policies that seek to restrict residential development to sites within the development boundary.

Furthermore, the development would result in the loss of an existing employment use and insufficient justification for that loss has been supplied.

Additionally, the housing mix proposed (1no 5-bed unit, 3no 4-bed units, 4no 3-bed units and 0no 2-bed units) does not accord with the Neighbourhood Plan which seeks to provide two and three-bedroom dwellings. However, the development would provide 1no affordable 4-bed dwelling.

Furthermore, the site is not in a sustainable location and occupiers of the site could not easily meet their day-to-day needs other than by the private car.

The above report has shown that the development is likely to result in a neutral impact on the character of the North Norfolk National Landscape.

However, this is not sufficient to outweigh the fact that the site is not considered an acceptable site for residential development either in the Development Plan or Neighbourhood Plan, does not meet the principles of sustainable transport, would result in the loss of an existing employment use, and does not accord with the housing mix sought in the Neighbourhood Plan.

In this instance it is not considered that there are material considerations that suggest the development should be determined contrary to the development plan, and it is therefore recommended that this application be refused for the following reasons.

## RECOMMENDATION:

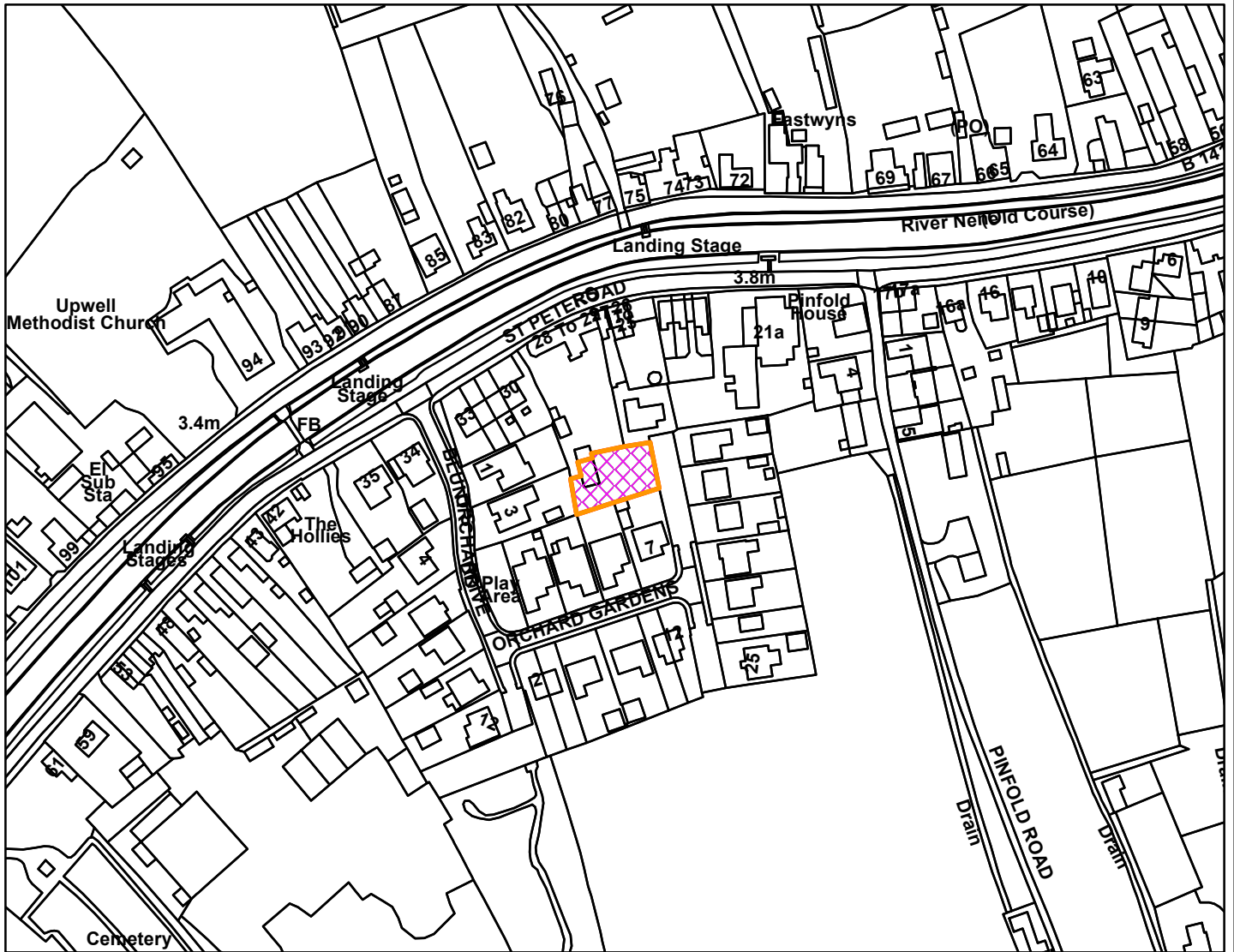
**REFUSE** for the following reason(s):

- 1 Reason: The proposed development would result in residential development in the countryside that is contrary to the overarching aims of directing development to the most sustainable locations and does not fall within any of the enabling policies for development in the countryside contained within the Development Plan. The development is therefore contrary to the NPPF in general and specifically to paragraphs 2 and 116 of the NPPF and Development Plan Policies CS01, CS02, CS06, CS11 and DM2 and Neighbourhood Plan Policy H4.
- 2 Reason: The proposed housing mix does not accord with the requirements of the Neighbourhood Plan by virtue of the amount of 4-bed+ dwellings and lack of any 2-bed dwellings. The development is therefore contrary to the NPPF in general and specifically to paragraph 60 of the NPPF and Neighbourhood Plan Policy H5.
- 3 Reason: Insufficient justification has been given for the loss of the existing employment use or consideration of alternative employment uses that would support the rural economy. The development is therefore contrary to the NPPF in general and specifically to paragraph 88 of the NPPF and Development Plan Policy CS10.





Land S of 28-29 St Peters Road Upwell Norfolk PE14 9EQ



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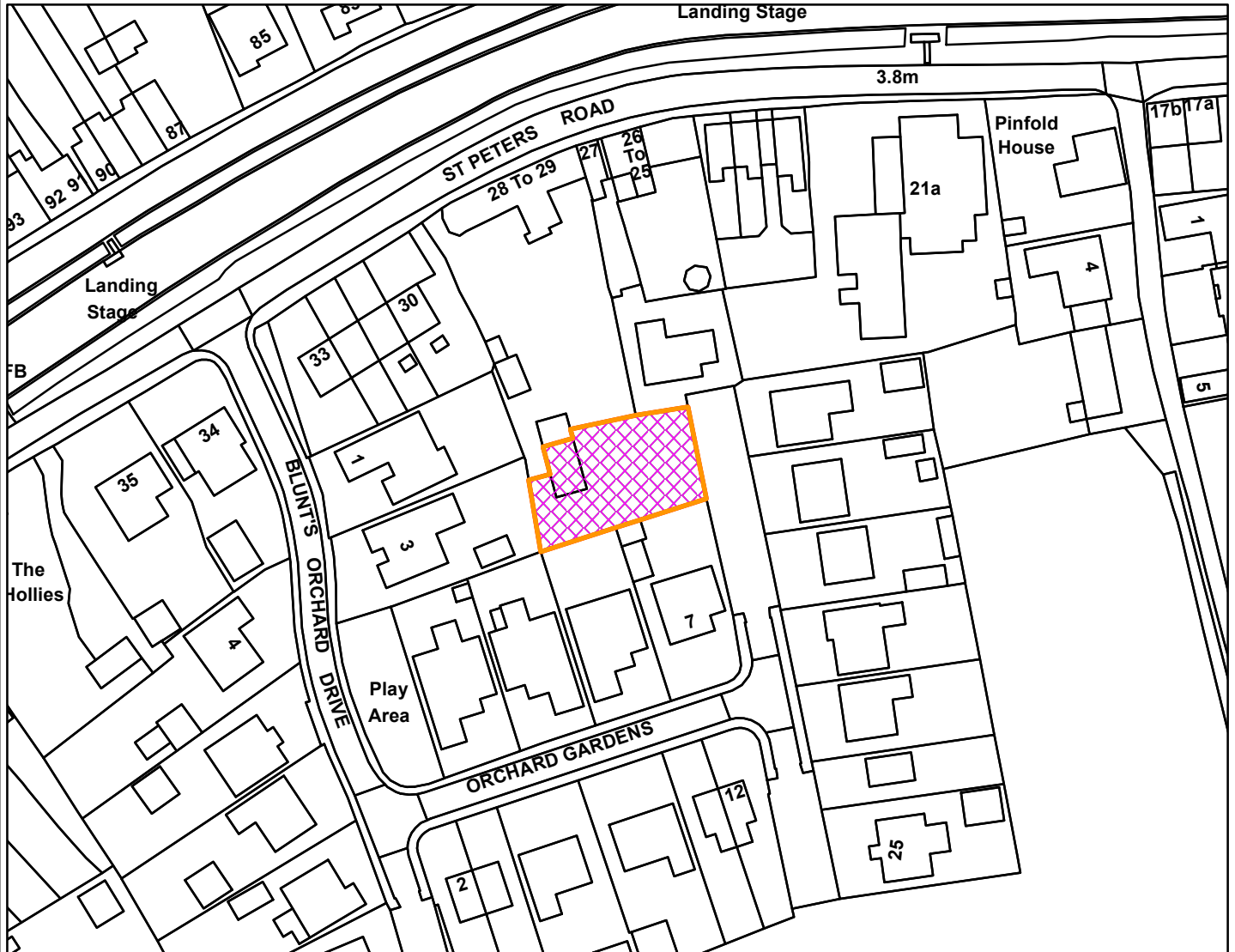
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Comments	
Date	17/06/2024
MSA Number	0100024314



Land S of 28-29 St Peters Road Upwell Norfolk PE14 9EQ



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Organisation	BCKLWN
Department	Department
Comments	
Date	17/06/2024
MSA Number	0100024314

<b>Parish:</b>	<b>Upwell</b>	
<b>Proposal:</b>	<b>Proposed detached dwelling</b>	
<b>Location:</b>	<b>Land S of 28-29 St Peters Road Upwell Norfolk</b>	
<b>Applicant:</b>	<b>Mr And Mrs Griffin</b>	
<b>Case No:</b>	<b>24/00443/F (Full Application)</b>	
<b>Case Officer:</b>	<b>Mr K Wilkinson</b>	<b>Date for Determination: 16 May 2024 Extension of Time Expiry Date: 5 July 2024</b>

**Reason for Referral to Planning Committee** – Cllr Vivienne Spikings has an interest in the land.

**Neighbourhood Plan:** Yes

**Case Summary**

The application seeks permission for the construction of a chalet bungalow style detached dwelling on land off Orchard Gardens, Upwell.

The existing site comprises a portion (620m<sup>2</sup>) of residential garden land associated with, and to the south/rear of, Nos. 28 &29 St Peter’s Road, with existing 1.8m high close boarded fencing along the west, east and south boundaries.

The site is located outside, but adjacent to, the Upwell Conservation Area and reads as part of Orchard Gardens, an estate allocated under Policy G104.4 of the Site Allocations and Development Management Policies Plan which is now built out.

**Key Issues**

- Principle of development
- Design, form and character
- Impact upon setting of Conservation Area
- Impact on neighbour amenity
- Highway issues
- Any other matters requiring consideration prior to determination of the application

**Recommendation**

**APPROVE**

## **THE APPLICATION**

The application seeks permission for the construction of a 4 bedroomed chalet bungalow style detached dwelling on land off Orchard Gardens, Upwell.

The existing site comprises a portion (620m<sup>2</sup>) of residential garden land associated with, and to the south/rear of, Nos. 28 & 29 St Peter's Road, with existing 2m high close boarded fencing along the west, east and south boundaries. The northern boundary is proposed to be a further close boarded fenceline. That boundary is staggered to follow an existing outbuilding which is to be partially demolished to approx. half its current size.

The site is located outside, but adjacent to, the Upwell Conservation Area and reads as part of Orchard Gardens which leads off Blunt's Orchard Drive - an estate allocated under Policy G104.4 of the Site Allocations and Development Management Policies Plan which is now built out.

## **SUPPORTING CASE**

The agent has submitted the following statement in support of this application:

"The application site is within the Development Area Boundary (DAB) of Outwell / Upwell / Three Holes and is outside of any conservation area or Sites of Scientific Nature. The site at present is set to grass and sits between two existing dwellings therefore can be defined as infill development. The Habitat Mitigation fee has been paid in respect of the application.

Residential development should be proposed is Flood Zone 1 land, this is the case for this site and as identified risk of flooding at the site is low from all sources. As such it is considered the flood risk is low, with finished floor levels a minimum of 150mm above surrounding ground levels with no resilient or resistant construction required. The exception and Sequential tests are also deemed to have been passed. We note the comments regarding drainage and can confirm that a Civil Engineer will be appointed to design an appropriate drainage scheme which is secure by the proposed condition, which we accept.

The application site is within the established settlement of Upwell and is identified as being within the Development Area Boundary (DAB) of Outwell / Upwell / Three Holes. Policy DM2 of the SADMPP states that development within the development boundaries of settlements will be permitted providing it is in accordance with other policies of the Local Plan. Given that the site is within the development boundary for Outwell/Upwell/Three Holes the principle of development is acceptable in accordance with policy DM2.

Upwell is a Key Rural Service Centre as defined in the Core Strategy. Section 6.1.11 of the Core Strategy confirms that Key Rural Service Centres help to sustain the wider rural community. This is supported by paragraph 78 of the NPPF which states that to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. New housing development within a Key Rural Service Centre will help to support the wider rural community thereby promoting sustainable development in accordance with section 6.1.11 of the Core Strategy and paragraph 78 of the NPPF.

Access to the site is via Blunt Orchards Drive and Orchard Gardens which are public highways with a small section of private drive providing the access to the site. The current owners of the application site also own the private drive and the appropriate notices have been served relating to the application. As such, there are no issues with access which is confirmed by the Highways department who raise no objections.

We have worked closely with Planning Officers to achieve a scheme that has their support and have amended the proposals working with them. The size, layout and accommodation are driven by the desire to provide good quality, modern living accommodation for the occupants and users of the buildings. It is the intention to add to the existing village by forming a new dwelling which will follow the form and pattern of development already established in the area. The dwelling reflects the scale and size of neighbouring properties and is stylistically similar to dwellings along Blunt Orchards Drive and Orchard Gardens with a traditional material palette and design.

To conclude the proposal is for a single dwelling in a sustainable location that is fully compliant with policy. We have worked closely with Planning Officers to secure the positive recommendation and the scheme is in keeping with the form and character of the area. There are no technical objections to the application and the scheme has the support of the Parish Council and Officer recommendation for approval. As such, we respectfully request your support the Officer's recommendation and approve the scheme with the conditions you deem appropriate."

## **PLANNING HISTORY**

18/01747/F: Permitted Development \_App not reqd: 07/01/19 - Change of use of butchers shop and dwelling to dwelling with alterations to existing premises - 28 - 29 St Peters Road

22/00107/TREECA: Tree Application - No objection: 24/06/22 - 2/TPO/00531: T1 Willow - Remove - 28 - 29 St Peters Road

Estate development adjoining site:

15/01496/VAR1A: Application Permitted: 10/10/17 - Modification to Planning Obligation reference LC/S106/16/42 related to planning application reference 15/01496/OM - Land South of 21 To 42 St Peters Road – DELEGATED DECISION

15/01496/OM: Application Permitted: 20/06/16 - Outline application with some matters reserved for 25 dwellings consisting of 18 houses and 7 bungalows. Access, road and plot layout committed - Land South of 21 To 42 St Peters Road - COMMITTEE DECISION

19/01462/F: Application Permitted: 31/10/19 - Construction of dwelling with garage (Plot 25) – COMMITTEE DECISION

## **RESPONSE TO CONSULTATION**

**Parish Council: SUPPORT**

**Local Highway Authority: NO OBJECTION** subject to access and parking space provision prior to occupation.

**Environmental Health & Housing – Environmental Quality: NO OBJECTION** subject to informative note to be added to any approval relating to disposal of asbestos-containing materials from demolition of an outbuilding.

**District Emergency Planning Officer: NO OBJECTION** suggests signing up to EA's flood warning service and preparation of a flood evacuation plan. [Officer note: To be covered by

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an informative note on any approval as would fail test applied to the use of conditions regarding enforceability].

**Conservation Officer: NO OBJECTION** on heritage grounds.

**Middle Level Commissioners - Internal Drainage Board:** No comments received at time of writing this report.

**Housing Development Officer: NO OBJECTION**

## **REPRESENTATIONS**

Original scheme: A total of **THIRTEEN** items of correspondence raising **OBJECTION** or concerns on the following summarised grounds:

- Residential amenity – overlooking implications; noise during construction phase; piling of foundations; loss of view; TPO willow was removed and replacement tree not planted; over bearing;
- Traffic/highway safety – access via private driveway; put right any damage to brickweave; safety; obstruction to properties caused by construction vehicles;
- Sewerage concerns for an additional dwelling;
- Drainage problems;
- Habitat assessment;
- Potential conflict of interest as Mrs Spikings sits on the Planning Committee and Mr Spikings is a director of the current management company “The Hollies”; and
- No carport or garage for the proposed dwelling.

Amended scheme: **TWO** further items of correspondence reiterating earlier concerns.

## **LDF CORE STRATEGY POLICIES**

**CS06** - Development in Rural Areas

**CS08** - Sustainable Development

**CS11** – Transport

**CS12** - Environmental Assets

**CS01** - Spatial Strategy

**CS02** - The Settlement Hierarchy

## **SITE ALLOCATIONS AND DEVELOPMENT MANAGEMENT POLICIES PLAN 2016**

**DM1** – Presumption in Favour of Sustainable Development

**DM2** – Development Boundaries

**DM15** – Environment, Design and Amenity

**DM17** - Parking Provision in New Development

## **DM19 - Green Infrastructure/Habitats Monitoring & Mitigation**

### **NEIGHBOURHOOD PLAN POLICIES**

Housing Policy H2: Housing Mix  
Housing Policy H3: Design  
Policy H4: Residential Car Parking Standards

### **NATIONAL GUIDANCE**

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

### **PLANNING CONSIDERATIONS**

The main considerations are as follows:

Principle of development  
Design, form and character  
Impact upon setting of Conservation Area  
Impact on neighbour amenity  
Highway issues  
Any other matters requiring consideration prior to determination of the application

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

This application seeks full permission for the construction of a 4 bedroomed chalet bungalow style detached dwelling served off Orchard Gardens – a cul-de-sac off Blunt's Orchard Drive to the south of St Peter's Road.

The application site is located within the development area of the village as shown on Inset G104 plan for Upwell & Outwell, which are combined to create a Key Rural Service Centre. This is a sustainable location and the principle of development of the site is therefore considered acceptable and complies with Policies CS01, CS02, DM1 & DM2 of the Development Plan.

#### **Design, Form and Character**

The proposed plans show a chalet bungalow style dwelling. It is predominantly of bungalow appearance with a bedroom at ground floor plus three further bedrooms in the roof space served by rooflights. The main part of the building is orientated on a roughly north-south axis almost parallel to Orchard Gardens with single storey secondary projections to the front and rear parallel to the southern boundary.

The property fronts onto the private drive with open frontage creating 4 no. parking spaces.

The proposed facing materials (Hoskins Flemish Antique bricks and Marley Eternit Birkdale blue/black tiles) are considered suitable given the mix of materials in the area and the Design Code for the estate.

There are similar style dwellings with accommodation within the roof space approved and built on Plot 3 to the rear/west, Plot 7 to the south and Plot 25 at the head of the cul-de-sac to the north. There are two storey detached houses to the eastern side of Orchard Gardens.

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**01 July 2024**

This is a 'windfall site' filling in a gap onto Orchard Gardens and the proposal is therefore compatible to the form and character of the locality and complies with Policies CS06, CS08, CS12 and DM15 of the Development Plan, plus Policies H2 & H3 of the Neighbourhood Plan.

### **Impact upon setting of Conservation Area**

The site lies outside, but adjacent to, the Upwell Conservation Area so there is a duty to consider and minimise harm to its setting.

The Conservation Area follows the River Nene and the donor properties on St Peter's Road fall within that designated area. The northern boundary of this site lies approx. 6-8m south of the Conservation Area.

Our Conservation Officer has assessed the proposal and indicates that whilst the proposal is likely to result in the roof being visible from the conservation area, it would be seen in the context of other residential roofs and is not considered to be harmful to the character or significance of the conservation area.

The proposal therefore accords with Policies CS12 & DM15 of the Development Plan.

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

The originally submitted plans were for a larger dwelling with a wider depth, a further front projection and only three parking spaces and created an awkward relationship with the dwelling to the immediate north of the site (Plot 25). Amended plans reduced the depth, removed the northern-most front projection and created 4 no. onsite parking spaces.

Given the proposed height of the dwelling and distance from boundaries in the amended format, the proposal is now considered unlikely to lead to overbearing or overshadowing of neighbouring properties.

The rooflights on the front/east elevation serve an en-suite, stairwell and Bedroom 4 – the latter being high-level and would not create adverse overlooking implications with the houses to the east approx. 24m away (No. 13). Rooflights in the rear/western elevation serve Bedrooms 1 & 3 plus a bathroom and once again would not create adverse overlooking implications to properties to the rear approx. 34m away.

Ground floor windows are considered unlikely to lead to overlooking given the positioning and heights of boundary treatments. The application is therefore considered unlikely to lead to adverse levels of overlooking of neighbours.

A new 1.8m high close boarded fence is proposed to the northern boundary of the site to separate it from the donor property. This is consistent with other boundary treatments in this locality.

Disturbance during the construction phase is to be expected but would be relatively short-lived. A scheme of this size would not attract a Construction Management Plan. Any undue/statutory nuisance would be covered by the Environmental Protection Act 1990 which comes under the remit of CSNN.

The spatial and inter-relationships between the proposed and existing dwellings are therefore considered to be acceptable and meet Policies CS08 and DM15 of the Development Plan.



## Highway issues

The site is accessed directly onto a portion of Orchard Gardens that is private and un-adopted. Plans show enough space located to the front and side of the property to allow on-site parking for 4 no. vehicles which meets the parking standards contained within Policy H4 of the Neighbourhood Plan.

This is a private drive and one additional plot being served off it would be acceptable in highway terms, indeed the Local Highway Authority stated no objection to the application and the layout and access of the development is considered to accord with CS11 of the Core Strategy and DM15 of the SADMPP (2016).

The use of this route and any prospective congestion or blocking would be a civil rather than a planning matter.

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

Flood risk – the site lies within Flood Zone 1 and a Dry Island in the Strategic Flood Risk Assessment. The District Emergency Planning Officer's recommendations above can be included as an informative to any planning permission.

Whilst this is an additional/windfall plot on the estate, it fails to meet the criteria of Policy DM8 of the SADMPP regarding delivering affordable housing on phased development. There has been no approvals issued within the past 3 years that are not implemented and the site is not within the same ownership as other plots. This has been confirmed by our Housing Development Officer.

Objections raised are mostly covered in the report above, but additional issues will be covered below:

- *Residential amenity: piling of foundations* - the ground conditions will require investigation/assessment, but this is a technical rather than a planning matter. Any damage caused to adjoining property would be covered under separate legislation.
- *Loss of view* – there is no right to a private view across third party land.
- *TPO willow was removed and replacement tree not planted* – the current land owners have confirmed in writing that this will be resolved and the replacement willow tree will be planted once the end of the garage has been removed and the ground made good as per 2/TPO/00531.
- *Traffic/highway safety: put right any damage to brickweave and obstruction to properties caused by construction vehicles* – this is a civil matter; there is a dedicated play area within the estate.
- *Sewerage and surface water drainage concerns for an additional dwelling* – the application forms indicate the use of soakaways and connection to mains sewerage – these are technical matters which can be secured via a pre-commencement condition.
- *Habitat assessment* – there is no requirement for detailed biodiversity assessment of the site. The application is accompanied by a Shadow Habitat Regulations Assessment which indicates that the proposal is not likely to have an adverse effect upon designated Habitat sites, subject to a GIRAMS payment which has already been secured.
- *Potential conflict of interest as Mrs Spikings sits on the Planning Committee and Mr Spikings is a director of the current management company "The Hollies"* – correct certificates have been served as part of the application. The application has been referred to the Planning Committee for determination in accordance with the Planning Scheme of Delegation given Mrs Spikings interest in the land; and

- *No carport or garage for the proposed dwelling* – this is not pre-requisite; there is space to the southern side of the dwelling to create access to the rear and accommodate a garage. This could potentially be undertaken as permitted development.

## CONCLUSION

The proposal constitutes a windfall site within the defined development area of Upwell, which is combined with Outwell to create a Key Rural Service Centre. Whilst adjacent to the Conservation Area, it would be seen in context with the roofscape of the existing residential estate and is not considered to be harmful to the character or significance of the conservation area.

The design of the dwelling is compatible to this locality and the spatial and inter-relationships between the proposed and existing dwellings are considered to be acceptable. There is ample private amenity space plus parking to meet adopted standards.

There are no concerns raised by technical consultees and all matters of planning importance may be secured via condition.

The proposed development therefore accords with Policies CS01, CS02, CS06, CS08, CS09, CS11 & CS12 of the Core Strategy (2011), Policies DM1, DM2, DM8, DM15, DM17 & DM19 of the SADMPP (2016) plus Policies H2, H3 & H4 of the Upwell Neighbourhood Plan.

The application is therefore duly recommended for approval subject to certain conditions stated below.

## RECOMMENDATION:

**APPROVE** subject to the imposition of the following condition(s):

- 1 Condition: The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
- 1 Reason: To comply with Section 91 of the Town and Country Planning Act, 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act, 2004.
- 2 Condition: The development hereby permitted shall be carried out in accordance with the following approved plans: PP1000 Revision B & PP1100 Revision B.
- 2 Reason: For the avoidance of doubt and in the interests of proper planning.
- 3 Condition: Prior to the first occupation of the development hereby permitted the proposed access / on-site car parking area shall be laid out, levelled, surfaced and drained in accordance with the approved plan and retained thereafter available for that specific use.
- 3 Reason: To ensure the permanent availability of the parking/maneuvering areas, in the interests of satisfactory development and highway safety and to accord with Policy DM17 of the SADMPP (2016).
- 4 Condition: No development shall commence until full details of the foul and surface water drainage arrangements for the site have been submitted to and approved in

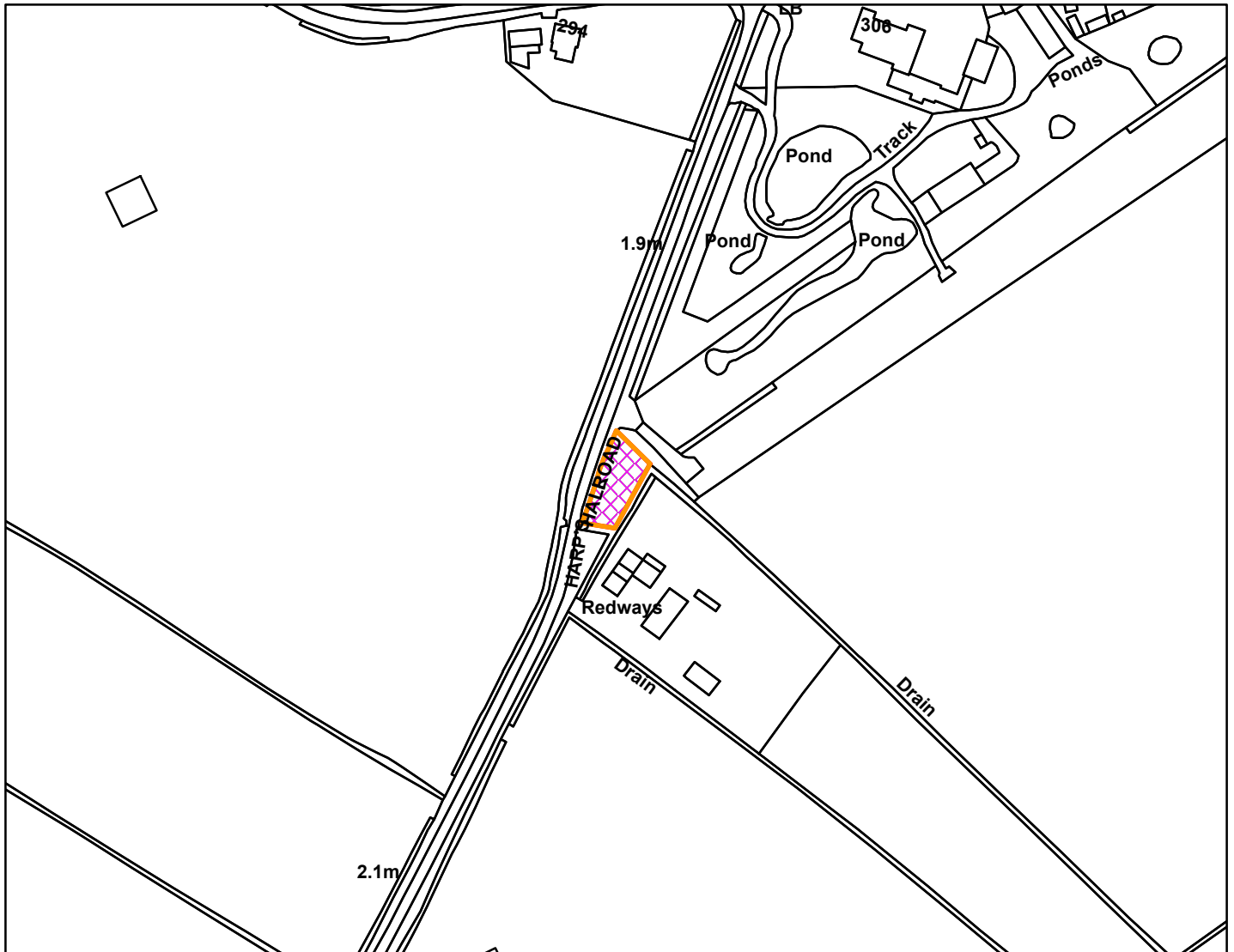
writing by the Local Planning Authority. The drainage details shall be constructed as approved before any part of the development hereby permitted is brought into use.

- 4 Reason: To ensure that there is a satisfactory means of drainage in accordance with the NPPF.

This needs to be a pre-commencement condition as drainage is a fundamental issue that needs to be planned for and agreed at the start of the development.



Former Pear Tree Cottage Harps Hall Road Walton Highway PE14 7DL



Legend

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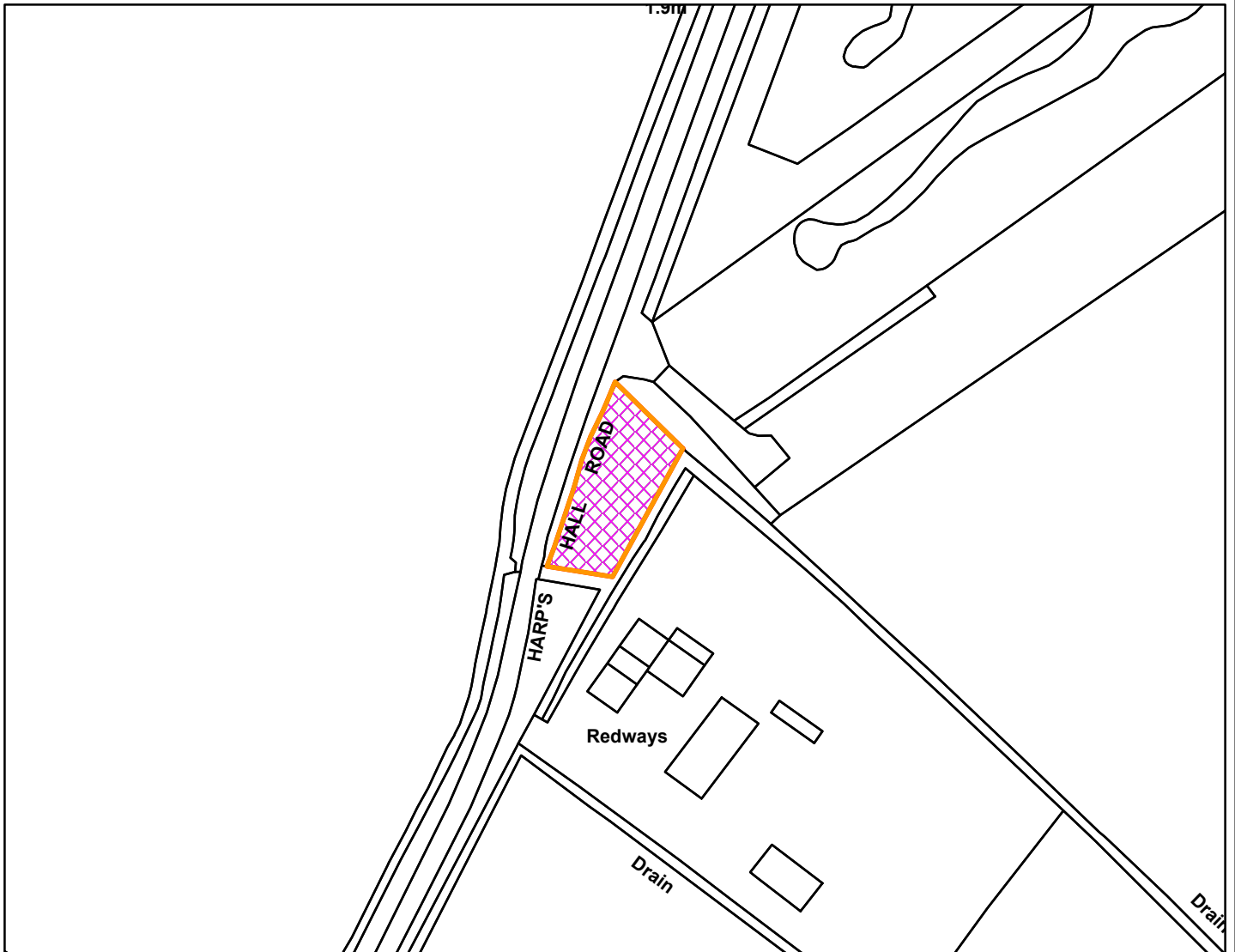
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Former Pear Tree Cottage Harps Hall Road Walton Highway PE14 7DL



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Organisation	BCKLWN
Department	Department
Comments	
Date	18/06/2024
MSA Number	0100024314

<b>Parish:</b>	<b>West Walton</b>	
<b>Proposal:</b>	<b>Change of use of land from residential accommodation land / site of former dwelling to use as a caravan site for single family occupation (by a gypsy / traveller family)</b>	
<b>Location:</b>	<b>Former Pear Tree Cottage Harps Hall Road Walton Highway Norfolk</b>	
<b>Applicant:</b>	<b>Mr Frederick Cave &amp; Mr Heath Stretton</b>	
<b>Case No:</b>	<b>19/00937/F (Full Application)</b>	
<b>Case Officer:</b>	<b>Mr K Wilkinson</b>	<b>Date for Determination: 23 August 2019 Extension of Time Expiry Date: 5 July 2024</b>

**Reason for Referral to Planning Committee** – As per the instruction of the Planning Committee Sifting Panel (06.03.24).

**Neighbourhood Plan:** No

**Case Summary**

The application site is located on the eastern side of Harp’s Hall Road, in the parish of West Walton, approximately 200m south of its junction with St Paul’s Road South and approximately 2.3km by road to the A47. The site is approximately 1.8km from the development boundary of Walton Highway (which is presently combined with West Walton to form a Key Rural Service Centre) as the bird flies; however, by road it is approximately 3.2km from the development boundary and within the countryside as defined by the Site Allocation and Development Policies Plan (SADMPP) 2016.

The application site was formerly that of Pear Tree Cottage which was demolished several decades ago. It comprises an irregular shaped parcel of overgrown land approx. 500m<sup>2</sup> in size. To the north lies Harp’s Hall set in substantial grounds, east lies a detached bungalow (Redways) with associated outbuildings plus substantial leylandii hedging in between, and there are agricultural fields to the west.

This application seeks planning permission to use the land as a caravan site for single family occupation by a gypsy/traveller family.

**Key Issues**

- Background
- Principle of development
- Need for pitches
- Impact upon appearance of the countryside
- Access and highway implications
- Flood risk
- Other material considerations

## Recommendation

**APPROVE**

### THE APPLICATION

The application site is located on the eastern side of Harp's Hall Road, in the parish of West Walton, approximately 200m south of its junction with St Paul's Road South and approximately 2.3km by road to the A47. The site is approximately 1.8km from the development boundary of Walton Highway (which is presently combined with West Walton to form a Key Rural Service Centre) as the bird flies; however, by road it is approximately 3.2km from the development boundary and within the countryside as defined by the Site Allocation and Development Policies Plan (SADMPP) 2016.

The application site was formerly that of Pear Tree Cottage which was demolished several decades ago. It comprises an irregular shaped parcel of overgrown land approx. 500m<sup>2</sup> in size. To the north lies Harp's Hall set on substantial grounds, east lies a detached bungalow (Redways) with associated outbuildings plus substantial leylandii hedging in between, and there are agricultural fields to the west.

This application seeks planning permission to use the land as a caravan site for single family occupation by a gypsy/traveller family.

The site lies in Flood Zone 3a of the Council-adopted Strategic Flood Risk Assessment and the application is accompanied by a Supporting Planning Statement including a site-specific Flood Risk Assessment.

### PLANNING HISTORY

2/1983/0015A/ENF: Enforcement notice issued: 07/02/83: Material change of use of vacant land for the stationing of residential caravans for purposes of human habitation.

2/1983/0015B/ENF: Enforcement notice issued: 07/02/83: Operational development – erection of a seven feet high corrugated iron fence along the northern, southern and western boundaries of the land.

2/95/0462/CU: Application Refused: 01/06/95 - Siting of 3 residential caravans (Committee decision) - Appeal Dismissed 03/01/96.

### RESPONSE TO CONSULTATION

#### Parish Council: OBJECT –

- 1) the site has previously been deemed unsuitable for a residential caravan site, a previous application being turned down and that decision upheld on appeal. The circumstances regarding the site remain unaltered such that it remains unsuitable for the location of a residential caravan site.
- 2) it is noted the application is for **Change of use of land from residential accommodation land / site of former dwelling to use as a caravan site for single family occupation (by a gypsy / traveller family) at Former Pear Tree Cottage Harps Hall Road Walton Highway Norfolk PE14 7DL** (emphasis added). The claimed status of the applicants/proposed occupiers is not a material consideration in this case as the

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Gypsy and Traveller Accommodation Needs Assessment (GTANA) conducted in 2016 indicates the current provision is satisfactory and no new sites or pitches would be required in the foreseeable future.

- 3) Granting permission will enure for the benefit of the affected land in perpetuity and irrespective of who in the future comes to own or occupy it; considerations which may lead to granting permission on the claimed status of the applicants/proposed occupiers may not apply to any future owner, such considerations would therefore be misplaced.

**Local Highways Authority (NCC): NO OBJECTION** - it would be difficult to substantiate an objection to the application on highway safety grounds and therefore recommend certain conditions relating to access, gates set back 5m from road, 2.4m parallel visibility splay, parking and turning areas.

**Environment Agency: NO OBJECTION** – subject to conditions relating to mitigation measures in Flood Risk Assessment being implemented.

**Internal Drainage Board: HOLDING OBJECTION** – Recommend 5m wide maintenance strip left between drain and caravan. Also, advice offered on byelaw matters.

**Environmental Health & Housing – Environmental Quality: NO COMMENTS** relating to contaminated land or air quality.

**Housing Development Officer: NO COMMENT** – additional information required to demonstrate applicants meet the PPTS definition of gypsies and travellers.

**District Emergency Planning Officer: NO OBJECTION** – recommends signing up to EA's flood warning system and preparation of a flood evacuation plan.

## REPRESENTATIONS

A total of **FIVE** items of correspondence received raising **OBJECTION** to the proposal on the following summarised grounds:

- There has been no house on the site since well before 2000;
- Site is well outside of the village;
- Within a flood zone and caravans are a more vulnerable type of accommodation;
- No mains drainage and dyke recently (June/July 2019) filled in to possibly make the site look bigger – IDB and Housing Standards involved;
- Loss of privacy as only separated from this plot by a row of conifers;
- Overdevelopment of the site;
- Visual impact; and
- Devaluation of properties in locality.

**Cllr Julian Kirk:** I live on Harps Hall Road and I am the Borough and County Councillor for this area. I object to this application, in the past it was used by travellers which resulted in sewage flooding in to the ditches and general waste everywhere. The plot is small, I remember when the original Peartree Cottage was there, it was knocked or fell down sometime in the 1960s / 1970s. The plot sits in front of a residential bungalow (Redways) if the application was approved the residential bungalow would become worthless.



## **LDF CORE STRATEGY POLICIES**

**CS12** - Environmental Assets

**CS01** - Spatial Strategy

**CS06** - Development in Rural Areas

**CS09** - Housing Distribution

**CS11** - Transport

## **SITE ALLOCATIONS AND DEVELOPMENT MANAGEMENT POLICIES PLAN 2016**

**DM1** – Presumption in Favour of Sustainable Development

**DM2** – Development Boundaries

**DM15** – Environment, Design and Amenity

**DM17** - Parking Provision in New Development

**DM19** - Green Infrastructure/Habitats Monitoring & Mitigation

## **NEIGHBOURHOOD PLAN POLICIES**

### **NATIONAL GUIDANCE**

National Planning Policy Framework (NPPF)

Planning Practice Guidance (PPG)

National Design Guide 2021

Planning Policy for Traveller Sites – sets out the Government’s planning policy for traveller sites. It should be read in conjunction with the National Planning Policy Framework.

### **PLANNING CONSIDERATIONS**

In assessing this application, the following key issues are identified:

Background

Principle of development

Need for pitches

Impact upon appearance of the countryside

Access and highway implications

Flood risk

Other material considerations

#### **Background**

It will be noted from the History section above, that this site has been the subject of previous planning applications, appeal and enforcement action.

On 7th February 1983 two enforcement notices were served – one (Ref: 2/1983/0015A/ENF) relating to a material change of use of the land from vacant land to the stationing of

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residential caravans for purposes of human habitation; the other (Ref: 2/1983/0015B/ENF) related to operational development – erection of a seven feet high corrugated iron fence along the northern, southern and western boundaries of the land. Copies are appended to this report. According to archived records, the caravans were removed and no further action taken, however the notices remain extant.

In 1995 a planning application was submitted under ref: 2/95/0462/CU for the siting of three caravans which was refused and then dismissed on appeal (once again copy attached to this report). It will be noted that the Inspector determined the appeal on the basis of new dwellings in the countryside, as occupation by gypsies was not referred to in either the original planning application or the appeal statement. It is also evident that the corrugated iron fencing was still there when the site was visited, and the appeal determined. This has however subsequently been removed.

### **Principle of development**

The application site lies approx. 1.8km outside the development boundary for Walton Highway, as defined by Policy DM2 and Inset Map G120 West Walton/Walton Highway of the Site Allocations and Development Management Policies Plan (SADMPP) 2016, and as such it is classified as ‘countryside’.

Paragraph 8 of the NPPF identifies an environmental objective in order to achieve sustainable development. Planning should ‘protect and enhance our natural, built and historic environment...’

National planning policy is clear that the countryside should be protected for its intrinsic character and beauty and should only be developed in exceptional circumstances.

Policy CS06 of the Core Strategy 2011 clearly states that “beyond the villages and in the countryside, the strategy will be to protect the countryside for its intrinsic character and beauty... The development of greenfield sites will be resisted unless essential for agricultural or forestry needs.” Policy DM2 of the SADMPP 2016 defines development boundaries and supports this approach.

Reference to Gypsy & Traveller (G&T) sites is contained in Core Strategy Policy CS09, which states:

- “Sites for gypsies, travellers (or travelling show people) will be given permission where they:
- Are capable of being serviced by basic utilities;
- Meet an identified need;
- Avoid environmentally sensitive areas and areas at risk of flooding;
- Afford good access to main routes (including the A47 (T), A17, A10, A148/9 and A134); and
- Are located within reasonable distance of facilities and supporting services (such as school or health provision).”

These criteria will be addressed within this report.

### **Need for pitches**

Previously anyone coming forward with a planning application for a new pitch or a site for use by G&Ts, or a plot for Travelling Showpeople, would need to demonstrate that the intended occupants meet the planning definition, i.e., they currently travel or have ceased travelling temporarily and that they comply with the criterion specified in Policy H of PPTS

(2015 now updated 2023) and Core Strategy Policy CS09 (above). This was considered to be important as it ensured that the local authority could control any future occupancy to meet the needs of travellers who comply with the national definition and considerations in light of the recent 'Lisa Smith' case.

The King's Lynn and West Norfolk Local Plan is emerging and the next stages of the examination are planned to continue in the coming months. The policies in the emerging Local Plan in themselves, because of the stage of preparation of the plan, should be attributed little weight. Existing Policy within the Core Strategy (Policy CS09) has no site allocations for Gypsy and Traveller accommodation to meet the identified need. The Core Strategy also pre-dates the National Planning Policy for Gypsy and Travellers.

To identify current needs, the Council have produced an updated Gypsy and Traveller Accommodation Assessment (GTAA June 2023). It provides up-to-date information on the accommodation needs of Gypsy, Traveller and Travelling Showpeople over the plan period to 2039.

The 2023 GTAA explains that many of the traveller sites in the Borough are occupied by extended family groups which contain concealed or doubled-up adults and/or occupied by teenagers. This helps to demonstrate elements of the underlying level of unmet need for pitches within the Borough. The GTAA identifies a local need for an additional 76 pitches within the period 2023-2027, and a future need to 2039 of 97 additional pitches.

So, the recent updated GTAA (June 2023) and an appeal decision (APP/V2635/W/22/3294180 – copy attached to this report) has indicated that there is a significant unmet need for sites. It was conclusive that the Council has failed to have a 5-year supply of deliverable sites, so there is significant weight afforded to the need for additional sites/pitches.

The PPTS (paragraph 27) states that if a local planning authority cannot demonstrate an up-to-date five-year supply of deliverable sites, this should be a significant material consideration in any subsequent planning decision when considering applications for the grant of planning permission.

The Council, as part of the examination of the Local Plan Review process, is seeking to address this matter/shortfall by issuing a Gypsy & Travellers and Travelling Showpeople Potential Sites and Policy Consultation (January 2024). This has been followed up by the Gypsy & Travellers Travelling Showpeople Proposed Site Allocations and Policy Consultation (May 2024). This site has not been put forward or allocated as part of this process so would be a windfall site. Approval could affect the allocation process by reducing numbers.

However, this policy change is at an early stage and in determining this application significant weight must be attached to the unmet need identified above.

### **Impact upon appearance of the countryside**

Paragraph 15 of the NPPF is quite clear in promoting a genuinely plan led system, empowering local people to shape their surroundings requiring up-to-date plans which provide a practical framework for which decisions on planning applications can be made. It seeks to ensure high quality development and a good standard of amenity seeking ways to enhance and improve places in which people live and recognises the intrinsic character and beauty of the countryside (Paragraph 180).

As stated above, the existing site is located adjoining development on Harp's Hall Road and is not an 'isolated' site in the countryside as defined in the Braintree DC case (2016).

The site is presently somewhat overgrown but has a backdrop to the east of an established leylandii hedge some 6m+ in height and similar to the north. Remnants of a fence line adjoins the road. The site is capable of accommodating the proposed development and incorporate hard and soft landscaping to assimilate it into its setting.

Whilst the introduction of a static caravan plus domestic paraphernalia would have an impact upon the appearance of this locality from the immediate vicinity, it would also be seen in context with West Walton Court (off Blunts Drove) situated approx. 400m to the west. Given its size it would be self-restrictive to a single pitch.

It is concluded that the impact upon the appearance of the countryside would not be so significant that it would not be outweighed by the established need identified above.

The proposal is therefore capable of complying with Policies CS06 and DM2 of the Development Plan.

### **Access and highway implications**

Access to the site is proposed to be gained off Harp's Hall Road via an existing point of access.

The indicative site plan shows that a parallel visibility splay of 2.4m can be achieved to meet County standards and the site can accommodate a static caravan plus parking space for at least two vehicles.

The Local Highway Authority raise no objection to this scheme subject to certain conditions stated below.

The proposal accords with Policies CS08, CS11, DM15 & DM17 of the Development Plan.

### **Flood risk**

The application site is identified as falling within Flood Zone 3a of the Council adopted Strategic Flood Risk Assessment and that of EA's mapping. However, the site is not within a Tidal Hazard Mapping area, and it is not at risk from fluvial flooding from the River Nene or River Great Ouse.

The application is accompanied by a site-specific Flood Risk Assessment which identifies that the site could potentially flood up to 0.5m above existing ground level and at a slow inundation rate. Mitigation measures are recommended of FFL above 0.6m and the caravan to be anchored down to prevent movement if flooded.

Our Emergency Planning Officer recommends signing up to the Environment Agency's Flood Warning System and the preparation of a flood evacuation plan – to be covered by an informative note rather than a condition due to enforceability issues.

The proposal passes Sequential testing as there are no other available comparative sites in a lower flood zone in this area.

The NPPF identifies caravans as 'highly vulnerable' to flood risk and Policy CS09 seeks to avoid sites in areas at high risk and should not be permitted in FZ3. Nonetheless, Paragraph 159 of the NPPF recognises that development may be necessary in areas of high risk and

risks can be managed through suitable adaption measures. Certain cases were quoted in the Marshland St James appeal attached to this report where the Inspector considered that the mitigation measures similar to this proposal were acceptable (i.e. floor level of caravan raised by 600mm above current land level).

Exception testing is also considered to be passed in that the development can be made safe for its lifetime with the above mitigation measures and there are wider sustainable benefits by an additional pitch going towards redressing the significant shortfall in supply of G&T sites.

Whilst caravans are not usually acceptable in areas at risk of flooding, a recent example of need outweighing flood risk at Wisbech St Mary was also tabled as part of the case against the Council in connection with the aforementioned informal inquiry. Albeit in adjoining Fenland DC the issues were similar and the Inspector concluded that need outweighed flood risk subject to appropriate mitigation measures being secured (PINS ref: APP/D0515/C/18/3196061).

The proposal is therefore compliant with Policies CS08 & CS09 of the Development Plan.

### **Other material considerations**

#### *Service by utilities*

The site is served by water and electricity.

#### *Drainage*

Surface water disposal is indicated to be achieved via soakaways. Foul water disposal is indicated as connection to an existing septic tank or package treatment – both are covered by separate legislation (Building Regulations) and any byelaw matters would also be covered by separate legislation (Land Drainage Act (1991)).

Reference is made to the unauthorised infilling of a drainage ditch to the east and south of the site but this falls outside the site area and is a matter to be addressed by the IDB.

#### *Accessibility*

The site is reasonably well located to local services and facilities:

- Shell PFS & Starbucks 1.6km
- Worzals farm shop & restaurant 1.8km
- Walton Highway shops 2.5km
- North Cambs Hospital 4.4km
- Walsoken village centre/hall/Tescos Express 3.2km
- West Walton Primary & Marshland High School 3.5km
- Wisbech Town centre 4.7km
- Emneth village centre 4.2km
- Marshland St James Primary & Nursery School 2.3km

There is West Walton & Walton Highway to the north-west, Marshland St James to the east, Walsoken to the west with Wisbech beyond and Emneth to the south. Whilst not sustainable in relation to open market housing, all are relatively accessible to this type of development given the identified need in this locality.

It is also concluded that the site has reasonable access to main routes being 2.3km by road from the A47.

#### *Design and layout*

The indicative site plan shows a static caravan parallel to the rear/eastern boundary. No reference is made to a dayroom but that could come forward under a separate planning application. There is adequate space to accommodate a static caravan and parking for at least 2 vehicles. A site licence would be required under separate legislation from Environmental Health, and it is expected that this may be achievable with minor adjustments. This proposal therefore would accord with the former Designing G&T Sites – Good Practice Guide (2008) and Policies CS08, DM15 & DM17 of the Development Plan.

#### *Amenity of neighbours*

Whilst concerns from Cllr Kirk and neighbours have been raised with regards to amenity, given the separation distances involved and boundary treatments, there would be no justification to refuse this proposal on those grounds. Indeed, the Inspector in the 1995 appeal decision opined: "...I see no reason why the normal noise of living should discommode anyone. Any noise beyond that would be a matter of public order and subject to control other than planning legislation..."

Lighting can be secured via condition to ensure no adverse implications. It would also control impact upon wildlife. This would accord with Policy DM15 of the Development Plan.

#### *Impact upon ecology*

The site lies within an impact zone for the Islington Heronry SSSI but given the type of development proposed and separation distance involved, it would have no adverse impact. It also lies within a zone of influence of the following designated sites: the Wash, Brecks and North Coast.

A Habitats Regulations Assessment has been undertaken and GIRAMS payment has been sought. On similar proposals in this locality Natural England have confirmed that providing appropriate mitigation is secured there should be no additional impacts upon the European sites.

The proposal can therefore accord with Policies CS12 and DM19 of the Development Plan.

#### *Crime and Disorder*

There are not considered to be any tangible concerns regarding crime and disorder associated with this proposal.

#### *Human Rights*

Information regarding the proposed occupiers of the site has been submitted. The recent appeal decision indicated that the occupation of sites could be controlled via condition.

The interference with Article 8 of the European Convention on Human Rights (ECHR) rights of any proposed occupiers to respect for private and family life and the home is a qualified right and must be weighed against the wider public interest in the upholding of the law, including planning law which aims to protect the countryside by restricting inappropriate development. In this instance there is no conflict given the officer recommendation.

### *Devaluation of property*

The difference in terms of valuation of adjacent property, be it either up or down, is not a material planning consideration.

### *Procedural issue*

Given the conflict of opinion with the views of the Parish Council and inconsistency with the EA (earlier objection), the application was referred to the Planning Committee Sifting Panel on 06 March 2024. It was decided to refer the application to the Planning Committee for determination.

## **CONCLUSION**

The proposal constitutes a 'windfall site' which would contribute towards the significant shortfall of sites required to meet the needs of the Gypsy and Traveller community identified in the recent Gypsy & Traveller Accommodation Assessment (June 2023).

The PPTS (paragraph 27) states that if a local planning authority cannot demonstrate an up-to-date five-year supply of deliverable sites, this should be a significant material consideration in any subsequent planning decision when considering applications for the grant of planning permission.

The Council, as part of the examination of the Local Plan Review process, is seeking to address this matter/shortfall by issuing a Gypsy & Travellers and Travelling Showpeople Site Allocations and Policy Consultation (May 2024). This clearly demonstrates a significant need by the proposed allocation of 10 pitches as an extension to West Walton Court (Site GT14). However, that is at an early stage and in determining this application significant weight must be attached to the unmet need identified above.

The proposal compares favourably when judged against the criteria of Policy CS09 of the Core Strategy and 2 a)-j) of the new policy contained within the Proposed Site Allocations and Policy Consultation. Indeed, the flood risk implications are lesser on this site, in terms of flood depth and inundation rates, compared to Tall Trees allocation GT65 at Salters Lode/Downham West.

There are no insurmountable technical objections that cannot be secured via condition.

The proposed development is capable of complying with Policies CS06, CS08, CS09, CS11 & CS12 of the Core Strategy (2011), Policies DM2, DM15, DM17 & DM19 of the SADMPP (2016) plus the emerging policy contained in the Gypsy and Travellers and travelling Showpeople Proposed Site Allocations and Policy Consultation (May 2024). The application is therefore recommended for approval subject to certain conditions stated below.

## **RECOMMENDATION:**

**APPROVE** subject to the imposition of the following condition(s):

- 1 Condition: The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
- 1 Reason: To comply with Section 91 of the Town and Country Planning Act, 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act, 2004.

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- 2 Condition: The development is hereby permitted in accordance with the following approved plans: Location Plan received on 28 May 2019.
- 2 Reason: For the avoidance of doubt and in the interests of proper planning.
- 3 Condition: The site shall not be occupied by any persons other than Gypsies and Travellers, defined as: persons of nomadic habit of life whatever their race or origin, including such persons who on grounds only of their own or their family's or dependants' educational or health needs or old age have ceased to travel temporarily or permanently, but excluding members of an organised group of travelling showpeople or circus people travelling together as such.
- 3 Reason: To define the terms of the permission, as the site lies within the countryside where the Local Planning Authority would not normally grant permission for new dwellings. This permission is granted in recognition of the special need for the pitch in accordance with Policy CS09 of the Core Strategy (2011).
- 4 Condition: On the site hereby approved (and defined by the red line on Drawing: Location Plan received on 28 May 2019) there shall be no more than one pitch, which will contain no more than one static caravan and one touring caravan (as defined in the Caravan Sites & Control of Development Act 1960 and the Caravan Sites Act 1968) stationed at any time.
- 4 Reason: To define the terms of this permission in accordance with the provisions of the NPPF and Policy CS09 of the Core Strategy.
- 5 Condition: No commercial activities shall take place on the land, including the storage of materials.
- 5 Reason: To define the terms of this permission as commercial use would engender additional traffic implications on this rural road network plus parking implications and in the interests of the amenity of adjoining residences; in accordance with Policies CS08 & CS11 of the Core Strategy (2011) and Policies DM15 & DM17 of the SADMPP (2016).
- 6 Condition: The development shall be implemented in accordance with the following flood risk mitigation measures:
- Finished floor level of the permanently sited static caravan shall be set at no lower than 600mm above existing ground level; and
  - Securely anchored to concrete ground bases.
- These measures shall be maintained thereafter.
- 6 Reason: To protect occupants and prevent movement of the caravans at times of increased risk of flooding in accordance with the provisions of the NPPF, Policy CS08 of the Core Strategy (2011) and Policy DM15 of the SADMPP (2016).
- 7 Condition: Prior to installation of any external lighting scheme, it shall have been submitted to and agreed in writing by the Local Planning Authority. The scheme shall be implemented as agreed.
- 7 Reason: In the interests of the amenity of the locality and to accord with Policy CS06 of the Core Strategy (2011) and Policy DM15 of the SADMPP (2016).



- 8 Condition: Prior to the first occupation of the development hereby permitted the vehicular access shall be upgraded in accordance with the Norfolk County Council residential access construction specification TRAD 5. Arrangement shall be made for surface water drainage to be intercepted and disposed of separately so that it does not discharge from or onto the highway carriageway.
- 8 Reason: To ensure construction of a satisfactory access and to avoid carriage of extraneous material or surface water from or onto the highway in the interests of highway safety and traffic movement and accord with Policy DM15 of the SADMPP (2016).
- 9 Condition: Any access gates / bollard / chain / other means of obstruction shall be hung to open inwards, set back, and thereafter retained a minimum distance of 5 metres from the near channel edge of the adjacent carriageway.
- 9 Reason: In the interests of highway safety enabling vehicles to safely draw off the highway before the gates/obstruction is opened and accord with Policy DM15 of the SADMPP (2016).
- 10 Condition: Prior to the first occupation of the development hereby permitted 2.4 metre wide parallel visibility splay (as measured back from the near edge of the adjacent highway carriageway) shall be provided across the whole of the site's roadside frontage. The splay(s) shall thereafter be maintained at all times free from any obstruction exceeding 1.05 metres above the level of the adjacent highway carriageway.
- 10 Reason: In the interests of highway safety in accordance with the principles of the NPPF.
- 11 Condition: Prior to the first occupation of the development hereby permitted the proposed access / on-site vehicle parking / turning area shall be laid out, levelled, surfaced and drained in accordance with the approved plan and retained thereafter available for that specific use.
- 11 Reason: To ensure the permanent availability of the parking/manoeuvring areas, in the interests of satisfactory development and highway safety and accord with the provisions of Policies DM15 & 17 of the SADMPP (2016).
- 12 Condition: Prior to the first use or occupation of the development hereby approved, full details of both hard and soft landscape works shall have been submitted to and approved in writing by the Local Planning Authority. These details shall include finished levels, boundary treatments and hard surface materials. Soft landscape works shall include planting plans, written specifications (including cultivation and other operations associated with plant and grass establishment) schedules of plants noting species, plant sizes and proposed numbers and densities where appropriate.
- 12 Reason: To ensure that the development is properly landscaped in the interests of the visual amenities of the locality in accordance with the NPPF.
- 13 Condition: All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation or use of any part of the development or in accordance with a programme to be agreed in writing with the Local Planning Authority. Any trees or plants that within a period of 5 years from the completion of the development die, are removed or become seriously

damaged or diseased, shall be replaced in the next planting season with others of similar size and species as those originally planted, unless the Local Planning Authority gives written approval to any variation.

- 13 Reason: To ensure that the work is carried out within a reasonable period in accordance with the NPPF.



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## Appeal Decision

Hearing held on 22 and 23 June 2023

Site visit made on 22 June 2023

**by Katie Child B.Sc.(Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

**Decision date: 14 December 2023**

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**Appeal Ref: APP/V2635/W/22/3294180**

**Moyse's Bank, School Road, Marshland St. James, Wisbech, Norfolk PE14 8EY**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Laurence Manning against the decision of the Borough Council of King's Lynn and West Norfolk.
  - The application Ref 20/01246/FM, dated 19 August 2020, was refused by notice dated 3 September 2021.
  - The development proposed is described as 'the use of land for the stationing of caravans for residential purposes, together with the formation of hardstanding and utility/day room ancillary to that use and the use of land for the keeping of horses and the erection of a stable.'
- 

### Decision

1. The appeal is allowed and planning permission is granted for the use of land for the stationing of caravans for residential purposes, together with the formation of hardstanding and utility/day room ancillary to that use and the use of land for the keeping of horses and the erection of a stable at Moyse's Bank, School Road, Marshland St. James, Wisbech, Norfolk PE14 8EY in accordance with the terms of the application Ref 20/01246/FUM, dated 19 August 2020, subject to the conditions in the attached schedule.

### Application for costs

2. At the hearing an application for costs was made by Laurence Manning against the Borough Council of King's Lynn and West Norfolk. This application is the subject of a separate decision.

### Preliminary matters

3. The site address on the application form and decision notice are different. The application form refers to 'land west of Moyse's Bank, School Road, Wisbech, Cambridgeshire PE14 8EY' whilst the decision notice refers to 'Orchard south of School Road, Marshland St. James, Norfolk.' At the hearing the main parties agreed that the address in the banner above should be used. I concur that it represents an appropriate description of the site location.
4. A Tree Preservation Order on the orchard which adjoins the appeal site was confirmed by the Council on 14 June 2023. An opportunity for verbal comments on the matter was provided at the hearing session. No objections

- were made by the appellant. The designation does not include the appeal site and there is no evidence before me that the proposal would necessitate works to these trees or cause harm.
5. A recent Court of Appeal decision in the case of Lisa Smith<sup>1</sup> has held that the definition of Travellers within Planning Policy for Travellers Sites (2015) (PPTS) is unlawfully discriminatory. The parties were provided with an opportunity to comment on the case prior to the hearing, and the definition was discussed at the hearing itself. The implications of the judgement are addressed later in my decision.
  6. The Council has submitted a new Local Plan for examination. However, the hearing stage has been suspended pending further work by the Council, including on the matter of Gypsies and Travellers. Accordingly, I have attached little weight to the policies in the emerging Plan and have determined this appeal with regard to relevant policies in the Council's adopted Core Strategy (2011) and the Council's Site Allocation and Development Management Policies Plan (2016) (SADMPP) as well as national policy.
  7. The appellant contends that Policies CS06 and CS09 in the Core Strategy are inconsistent with the National Planning Policy Framework (NPPF) (2021) and PPTS. I deal with these in turn below.
  8. Policy CS06 states that the strategy in the countryside is to protect intrinsic character and beauty. The NPPF no longer contains this wording and the policy could be seen as inconsistent with national policy in this regard. The requirement in Policy CS06 for housing to be located 'in close proximity' to rural service centres is also more onerous than Policy C in PPTS. The Courts have held that Traveller accommodation is 'housing' as it provides homes<sup>2</sup>. Nevertheless, other aspects of Policy CS06 including the requirement to 'maintain local character and a high quality environment' and to protect the diversity of landscapes are consistent with the NPPF and are relevant to this appeal.
  9. The last part of Policy CS09 deals with provision for Gypsies and Traveller and Travelling Showpeople. Both parties accept that the identified needs in the policy are outdated, with subsequent Gypsy and Traveller Accommodation Assessments (GTAA) produced in 2016 and 2023. The criterion requiring that sites meet an identified need is also inconsistent with paragraphs 11 and paragraph 24 in the PPTS, which indicate that an identified need is not necessary and that local planning authorities should 'consider' the existing level of provision and local need when determining proposals. However, other criteria in this section of Policy CS09 are still relevant.
  10. The parties agree that Policy CS02 in the Core Strategy on the settlement hierarchy is no longer critical to the case, on the basis that the Council now accepts the proposal is for Traveller accommodation, as set out below. However, I concur with the Council that Policy CS02 is still relevant to the case in relation to sustainability, insofar as it confirms the status of the nearby village of Marshland St. James.

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<sup>1</sup> Lisa Smith v SSLUHC [2022] EWCA.

<sup>2</sup> Wenman v Secretary of State for Communities and Local Government [2015] EWHC 925 (Admin)

11. The Council's updated Gypsy and Traveller Accommodation Assessment (GTAA) (2023) was made available in the week prior to the hearing. The appellant submitted a written response to the document and the GTAA was discussed at the hearing. The implications of the document are covered later in this decision.
12. Following the site visit it was confirmed by the appellant that the red line boundary was incorrectly plotted. Amended proposed block plans 19\_1072\_004 and 19\_1072\_003 Revision E have been submitted which exclude the ditch along the site frontage and shift the developed part of the site slightly south. The changes are small and the Council confirmed at the hearing that they were content to accept these as minor changes. I concur with this position as I am satisfied that interested parties would not be prejudiced.
13. Plan 19\_1072\_003 Revision E also shows an alternative access point into the site, from the east. The parties agreed at the hearing that if the access point was moved to this position, sufficient visibility could be achieved to meet the Council's standards and provide safe vehicular access to the site. Having observed the altered access position on my site visit, I concur with this. It would be dependent on other access points being stopped up, but this could be secured via a planning condition. The Council confirmed they are content to accept the amended access as a minor change to the planning proposal. Other aspects of the internal site layout would be unaffected and I am satisfied that the interests of other parties would not be prejudiced. On this basis I conclude that adequate visibility splays can be achieved to ensure highway safety and refusal reason 5 is resolved.
14. The parties disagree on the degree to which the road to Marshland St James is suitable for walking and cycling and occupiers would be reliant on the use of a car. However, the Council confirmed at the hearing that it no longer considers the appeal site to be an unsustainable location overall for the proposed development, as cited in refusal reason 3. The Council now accepts the proposal is for Traveller accommodation, as set out below. PPTS recognises that Traveller accommodation can be appropriate in rural areas and Policy CS09 in the Core Strategy implicitly supports Traveller accommodation in the countryside providing certain criteria are satisfied. Taking account of the modest distance to the village and nearby facilities in other settlements, I concur that the appeal site is a sustainable location for Traveller accommodation. The site would also help to provide a settled base which would enable a Traveller family to access health care and education and reduce the need for long distance travel, in line with paragraph 13 in PPTS.

### **Main issues**

15. The remaining main issues are as follows:
  - 1) Proposed Gypsy and Traveller use and which planning policies should apply.
  - 2) Whether the site is in an acceptable location for the proposed development in terms of flood risk.
  - 3) The effect of the proposal on the character and appearance of the surrounding area.

- 4) Whether there are any other considerations indicating that planning permission should be granted. This includes the need for and supply of Gypsy and Traveller sites, policy failure, animal welfare and reduction of traffic movements, and potentially the personal circumstances of the intended occupants.

## Reasons

### Proposed Gypsy and Traveller use and which planning policies should apply

16. The Council determined the planning application as caravans for general residential use in the countryside, rather than Gypsy and Traveller accommodation (as set out in refusal reason 1). The Council has stated that this is because details of the intended occupants and their personal circumstances were not provided.
17. The appellant has subsequently submitted additional information with the appeal which confirms that he, his wife and their dependents are the intended occupants and outlines details of a nomadic lifestyle and personal circumstances. At the hearing the Council concurred that the appellant and his family are cultural Gypsies and Travellers with a history of travelling for work and I see no reason to disagree with this. On the basis of this evidence the Council now agrees that national and local planning policies relating to Travellers are relevant to the proposal.
18. Nevertheless, the Council still maintains that information on Traveller status and personal circumstances was necessary to allow the application and appeal to be determined as Gypsy and Traveller accommodation. The Council has referred to the Wheatley Bank decision<sup>3</sup> in support of its position. Paragraph 19 in that decision states that *'in relation to those who are not currently Gypsies and Travellers as defined by PPTS, proposals for residential development should be assessed primarily in accordance with general housing and other plan policies, though their personal circumstances will also be material.'*
19. However, reading the appeal decision as a whole, it is apparent that the Inspector is looking at the Traveller status and personal circumstances of the specific intended site occupants, within the context that the proposed level of provision is greater than identified pitch needs. As such the decision does not suggest that all applications from non-Travellers or those not meeting the PPTS should primarily be determined against general housing policies or that all applications should identify specific occupiers.
20. Policy CS09 in the Core Strategy sets out criteria for determining Gypsy and Traveller proposals. It does not specify that applicants should be Gypsies and Travellers or distinguish between Travellers who meet and do not meet the PPTS definition. Furthermore, although paragraph 24 in PPTS refers to the personal circumstances of the applicant, it is part of a range of factors to consider. The paragraph does not specify that all criteria should apply or preclude applications coming forward where the identity of occupants is not known.

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<sup>3</sup> APP/V2635/W/17/3180533.

21. The Council's position is not supported by case law or policy. Planning permission normally runs with the land and it is not necessary for an applicant to be a Traveller or have a nomadic habitat of life to apply for permission for use of land as a Traveller site. Planning conditions can be used to limit occupancy to Gypsies and Travellers and enforce any breaches. The wording of any condition would need to take account of the aforementioned Lisa Smith judgement, as it has held that the PPTS definition of Travellers is unlawfully discriminatory and excludes those who may cease to travel permanently. This issue is dealt with in the Conditions section below.
22. Personal circumstances are capable of being a material planning consideration and it is possible to use personal occupancy conditions if such matters are critical to the decision and outweigh harm. But if a scheme is acceptable in terms of its planning merits it may not be necessary to have recourse to them. This is the position I have reached in relation to this appeal, as set out later in my decision.
23. In summary, I consider that it is possible to determine the proposed development as Gypsy and Traveller accommodation and against Traveller policies, without requiring details of the intended occupant or their personal circumstances.

#### Flood risk

24. The appeal site lies within Flood Zone 3a, as shown in the Council's Strategic Flood Risk Assessment (2018). As such the site is categorised as having a high flood risk, with 0.5% or greater annual probability of tidal flooding from the River Great Ouse and a 1% or greater annual probability of flooding from the drainage system within the King's Lynn Internal Drainage Board (IDB) area and the Middle Level Main Drain.
25. The southern part of the site also lies within the Environment Agency's Tidal Mapping Zone and is therefore within an area where there would be inundation following a breach. The appellant's site-specific Flood Risk Assessment (FRA) indicates that the site could be affected to a depth of between 0 and 0.6 metres.
26. Where development is proposed in Flood Zone 3a the NPPF requires application of a sequential test, with the aim of steering development to areas with the lowest risk of flooding. The Council's appeal statement outlines two potential alternative sites within Marshland St. James that are allocated in the SADMPP. However, the Council confirmed at the hearing that this application of the sequential test was based on the scheme being for general residential development, rather than accommodation for Travellers. As outlined above, this position has altered. At the hearing neither party was able to identify any other suitable and available alternative sites for Travellers, let alone in areas with a lower risk of flooding. Consequently, based on the evidence before me I am satisfied that the sequential test has been met.
27. However, the NPPF identifies caravans and mobile homes as 'highly vulnerable' to flood risk and Table 2 in the Planning Policy Guidance (PPG) on Flood Risk states such development should not be permitted within Flood Zone 3a. The need to avoid development in areas at risk of flooding is also highlighted in Policy CS01 in the Core Strategy whilst Policy CS09 states that sites for



- Travellers should be given permission where they avoid areas at risk of flooding.
28. Nonetheless, paragraph 159 in the NPPF recognises that development may be necessary in areas of high flood risk. The appellant has also submitted a number of appeal decisions which indicate that there are circumstances in which highly vulnerable development in Flood Zone 3 can be permitted<sup>4</sup>. Policy CS01 in the Core Strategy also recognises that exceptions may exist. Further detail is provided in Policy CS08 which states that 'if the development vulnerability type is not compatible with the flood zone as set out in PPS25<sup>5</sup>, proposals will need to demonstrate that the proposal contributes to the regeneration objectives of King's Lynn or the wider sustainability needs of rural communities'. The policy also requires in such cases that 'flood risk is fully mitigated through appropriate design and engineering solutions'.
  29. The site is in a rural area and there would be benefits to the local Gypsy and Traveller community from the provision of additional permanent accommodation. I have found above that the site is in a sustainable location and would provide sustainability benefits linked to paragraph 13 in PPTS. Although the number of additional pitches is small in numerical terms, the significant shortage of pitches in the borough, as identified in the need/supply section below, means that even the provision of one additional pitch would be an important gain.
  30. The appellant's FRA also highlights that the site benefits from existing flood defences and is shown in the Council's Level 2 Strategic Flood Risk Assessment 2019 as being within a 'Low Risk Area of Flooding'. The defences are designed to protect against a 1 in 200 year tidal event and a 1 in 100 year fluvial event. The FRA sets out that the likelihood of flooding due to overtopping or failure of flood defences and embankments is small, whilst taking account of climate change; that significant upgrades have been carried out to pumping stations in the area; that flood defences and drainage systems in the area are subject to a routine maintenance programme and maintenance standards are good; and that in a very extreme event the rise of water on the site would not be sudden and there would be time to take precautionary action.
  31. The FRA concludes that residual flood risk is low due to the current standards of drainage and flood defence in the area and that development would be safe for its lifetime. It advises that any risks could be mitigated by requiring finished floor levels to be 600 millimetres above ground level with flood resilient construction up to 300 millimetres and stipulating that the static caravan is securely anchored to concrete ground bases.
  32. Neither the Environment Agency nor the King's Lynn IDB have objected to the scheme. However, the Environment Agency recommends that the mitigation measures referred to in the FRA should be adhered to.
  33. Taking account of all evidence before me, notwithstanding that the proposal is for highly vulnerable land use within Flood Zone 3a, in this case I am satisfied that flood risk on the site is low and the site is capable of being made safe for

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<sup>4</sup> Including APP/A2525/C/20/3258547 and APP/D0515/C/18/3196061

<sup>5</sup> Planning Policy Statement 25. Although this document has been superseded, it has the same vulnerability classification for caravans and mobile homes and flood zone compatibility as current Government guidance.



its lifetime without increasing flood risk elsewhere. The scheme would bring wider community benefits that outweigh the flood risk, and residual flood risks could be mitigated by using planning conditions to secure the measures referred to above.

34. In conclusion, the proposal therefore accords with paragraph 159 in the NPPF and Policy CS08 in the Council's Core Strategy insofar as it relates to flood risk. Although the 'exception test' in the NPPF is not normally applicable to highly vulnerable uses in Flood Zone 3a, as set out above it is also apparent that both limbs of the test would be satisfied. Overall, I conclude the site is an acceptable location for the proposed development in terms of flood risk.

#### Character and appearance

35. The appeal site is located within the 'Fens - Open Inland Marshes' area as defined in the Council's Landscape Character Assessment (2007). The area is characterised by a flat fenland landscape, mainly comprising regular sized fields separated by low dykes and ditches, with some farmsteads located along minor roads running through the area. It is identified as having inherent landscape sensitivities with a strong sense of openness and tranquillity and recognisable sense of place.
36. The appeal site is an open flat field that was overgrown at the time of my site visit. The site is bounded by ditches on several sides and by an orchard to the east. The site contains a small number of orchard trees close to the eastern boundary. On my site visit I observed that the site has a rural and tranquil character.
37. The site forms part of an area of intensively farmed land to the east of Marshland St James. It mainly consists of agricultural fields, although there are some pockets of trees and planting in the area, including the adjoining orchard and planting along the boundary of the field to the west. As seen on my site visit and highlighted in the appellant's evidence, there are also a number of scattered dwellings and farm buildings in the local area.
38. The absence of boundary treatment on the frontage means that there are clear views across the site from the adjoining section of School Road. However, the orchard to the east and planting to the west restricts views from other parts of the road and from Moyse's Bank. As you travel east from the village along School Road the site is not observed until close by due to the vegetation and also the angle of the road. From the other direction, the site frontage can be seen further away but views into the site are restricted by the orchard. My site visit took place in Summer and it is likely that views are less filtered by foliage during other periods of the year. However, based on the size and depth of the orchard I consider that this would still provide a significant visual barrier in all seasons.
39. The site can also be seen along the track which adjoins the western side of the site. The Council indicated that this route is an unadopted highway and is used by local people for walking/cycling and provides vehicular access to stable buildings to the rear. There are also some views of the site from more distant vantage points, to the north and south. However, given the flat topography of the area and the distance, the site is not prominent in these views.

40. The proposal involves the stationing of a caravan and mobile home and erection of a day room and stables. At the hearing the appellant indicated that the standard mobile home height is about 4 metres. The Council did not dispute this figure. Mobile homes are elevated above the ground and therefore the flood risk mitigation measure of 600mm would already be partly satisfied. Accordingly, I conclude that the maximum roof height of the mobile home on the site is likely to be slightly above 4 metres but less than the figure of 5 metres suggested in the Council's appeal statement. The parties agreed at the hearing that the height of the day room and stables would respectively be some 3.6 metres and 3.7 metres above the ground.
41. The Council contend that the structures would be seen from a considerable distance away and over treetops due to their height and the pale metal colour of caravans and mobile homes. However, the extent and height of proposed built form on the site is modest. Furthermore, the tall trees to the west and the bulk and positioning of the orchard to the east, as described above, provide a significant amount of screening from School Road and Moyse's Bank. The amended plans show that existing trees on the site would be retained and additional frontage planting is proposed. The amended red line boundary indicates there is scope to achieve this. The appellant has also agreed to submit a landscaping scheme by condition.
42. Taking account of these factors and my observations I consider that any views of structures above treetops or between trees would be limited and largely restricted to points on School Road close to the site. Other vantage points, notwithstanding aspects of road elevation, are more distant. As such, despite the potential pale colour of the caravans/mobile homes, the development would be seen from elsewhere against a wide backdrop of fields and farmsteads and would not be overly prominent.
43. The proposal would introduce built form into the northern part of the site. There would also be hardstanding and parked vehicles. The rural and open character of this part of the site would alter. However, the extent and height of built form and amount of hardstanding would be modest. The plans shows that a sizable part of the frontage would remain as open land. The site also benefits from screening, as described above. Furthermore, there are other scattered farmsteads and stables elsewhere in the local area. Therefore modest development on the site would not be wholly out of keeping with the character of the area.
44. Therefore, overall I conclude that the proposal would not adversely affect the character and appearance of the surrounding area. As such, it would accord with Policy CS06 in the Core Strategy insofar as it seeks to protect the character of the countryside and local landscapes, and Policies CS08 and CS12 in the Core Strategy and Policy DM15 in the SADMPP insofar as they require development to respect local setting and character.

#### Need for and supply of Gypsy sites

45. The Councils GTAA 2016 identifies a need for 45 pitches for Gypsies and Travellers between 2016 and 2036, comprising 5 pitches for those who meet the PPTS definition and 40 for those who do not. It also identifies a need for up to 35 pitches linked to need arising from the significant number of Gypsy and Traveller families who were not interviewed as part of the GTAA work.

46. The new GTAA, dated June 2023, identifies a need for 156 additional Gypsy and Traveller pitches between 2023 and 2039. This consists of 102 pitches for households who meet the PPTS definition, 6 pitches for undetermined households and 48 pitches for households not meeting the PPTS definition.
47. The GTAA 2023 is due to be published and assessed as part of the on-going examination of the Local Plan. The examination process has been paused to facilitate this and enable reflection on the overall strategy for Gypsy and Traveller site provision. As part of this the Council will need to take account of the aforementioned Lisa Smith case, which has held that the PPTS definition is unlawfully discriminatory.
48. Nonetheless, the updated GTAA figures before me show a significant level of unmet need in the borough, which is considerably higher than the level in the GTAA 2016. Both parties agreed at the hearing that the GTAA 2023 represents a more accurate up to date assessment of current and future need, albeit the appellant has some concerns that the figures are an under-estimate.
49. The Council has also confirmed that it does not have a five-year supply of sites. The submitted Local Plan does not identify any proposed allocation sites and at the hearing the Council were unable to identify any further potential windfall sites in the pipeline. The Statement of Common Ground confirms that both parties agree that there is a lack of suitable, acceptable and affordable sites for the appellant or any other Gypsy and Traveller family within the borough.
50. Overall, the evidence before me indicates that there are current and future identified needs for additional Gypsy and Traveller pitches in the borough. If new windfall proposals have come forward since the hearings, given the short passage of time I consider this is likely to be modest and would not affect my overall conclusions regarding need. A new pitch on the appeal site would provide additional Traveller accommodation to meet current unmet needs in the area. This is a benefit to which I attribute significant weight. I also attach significant weight to the absence of five-year supply.

#### Policy failure

51. Policy CS09 in the Core Strategy (2011) refers to an identified need for 146 pitches between 2006 and 2011 and an annual compound increase of 3% for the period 2011-21. The Council confirmed at the hearing that this equates to a total need figure of 202 additional pitches.
52. The Council sought to address these needs by establishing a criteria-based framework in Policy CS09 for determining windfall proposals. Neither the Core Strategy or the SADMPP identify Traveller allocation sites. The exact degree to which this policy-based approach was successful and identified needs were met is not wholly clear, given the passage of time and changes in Council personnel. The Council's hearing statement indicates that 12 pitches were approved between 2016 and 2021 and there was reference at the hearing to a small number of more recent pitch approvals. However, the Council were unable to confirm how many pitches were permitted between 2011 and 2016 or delivered between 2011 and 2021. The Council were also unable to confirm the level of needs or the Council's policies prior to 2011.
53. The GTAA 2016 and 2023 both show on-going need for additional pitches. They also identify current authorised pitch numbers of 174 and 172

respectively that are below the need figure of 202 and which appear to have declined. The GTAA 2023 also shows high levels of current need for additional pitches within the next five years, linked to families living on unauthorised sites or where households are concealed, doubled up or displaced.

54. The evidence before me shows significant levels of current unmet need and suggests that the criteria-based windfall approach has not delivered sufficient recent pitch completions in the borough to fully satisfied the accommodation needs of the Gypsy and Traveller population. However, the extent of under-delivery is not clear and there is a lack of information relating to unmet needs and pitch completions in earlier parts of the Plan period. As such, based on the evidence before me it is difficult to reach a firm conclusion regarding the length of time that needs may have been unmet.
55. The adopted Plan set out a strategy and criteria-based Traveller policy. The Council has sought to periodically re-assess the need for pitches, as set out in the GTAA 2016 and 2023. The GTAA 2016 only identifies a need for 5 additional pitches for Travellers meeting the PPTS definition and a further 40 for those who did not, albeit it also identifies a need for up to 35 pitches relating to Gypsy families who were not interviewed. However, the evidence before the Council at that time showed only a modest confirmed pitch requirement and predated the Smith judgement. The current examination of the Local Plan will provide an opportunity to appraise the latest evidence on unmet need, take account of the Smith judgement and determine the most appropriate strategy for delivering sites.
56. Therefore, based on the evidence before me I am not persuaded that policy failure has occurred.

#### Animal welfare and reduction of traffic movements

57. The proposal includes provision of a stable block and land for keeping of horses. The appellant has indicated this set-up would aid animal welfare and reduce travel, as his horses are currently stabled at a number of locations owned by other people. However, I have concluded below that the proposal is acceptable on its planning merits and have not have not had recourse to personal circumstances or applied a personal condition. Not everyone owns horses and these circumstances may not apply to other Traveller households. As such I do not consider these factors weigh in favour of the proposal.

#### Other matters

58. Local residents have raised concerns that the proposal would increase the amount of traffic in the local area and cause safety issues. However, notwithstanding the recent construction of a number of houses on the edge of the village and presence of the primary school in this area, Norfolk County Council's and the appellant's survey evidence both indicate that School Road has modest levels of traffic. Furthermore, the County Council's estimate of six movements per weekday from the site, albeit with some additional movements if the paddocks are rented out, is modest and was accepted by the appellant at the hearing. Accordingly, notwithstanding the narrow width of parts of School Road, I am satisfied that the proposal would not cause a significant worsening of traffic or result in severe cumulative impacts on the road network.

59. The proposal is land 'for the keeping of horses' rather than grazing. At the hearing the appellant confirmed that kept horses rely on imported feed rather than grass, and the paddock would be used for turning out horses rather than as a means of feeding. As such there is no evidence that the size of the paddock is insufficient for its intended purpose.

### **Planning balance**

60. The proposed development is for use of the land for Gypsy and Traveller accommodation and a planning condition could be used to ensure occupancy is limited to Gypsies and Travellers. As set out above, I conclude that the site is an acceptable location for the proposed development in terms of flood risk and the proposal accords with Policy CS08 in the Core Strategy insofar as it relates to flood risk. I also conclude the proposal would not adversely affect the character and appearance of the surrounding area and accords with various policies in the Core Strategy and SADMPP which relate to protecting the character of the locality and the countryside.
61. At the hearing the appellant confirmed he already has permanent settled accommodation. His family is currently residing on a pitch with planning permission which is owned by his family and located in the neighbouring authority of Fenland. It is intended that the vacation of that pitch would enable his sister and partner to gain a secure and settled base. They are currently doubling up on the appellant's parent's site in Fenland.
62. Nonetheless, the evidence before me indicates high levels of unmet current need and future need for additional pitches in King's Lynn and West Norfolk. There would be clear benefits associated with provision of an additional pitch for use by Gypsies and Travellers in the borough. I have attached significant weight to this matter along with the absence of five-year supply.
63. As I have found the development to be acceptable on the basis of its planning merits and identified accommodation needs in the borough, there is no need for me to go on to consider the significance of the appellant's personal circumstances or those of his family. There is also no need for me to determine whether paragraph 11d of the NPPF is engaged as I have already determined that the planning balance is acceptable.
64. The appellant has also cited benefits linked to a reduction of unauthorised development in Fenland, following the re-location of his sister. However, there is no specific evidence before me relating to the need for and supply of sites in Fenland and the occupation of the appellant's current site is not within my jurisdiction. As such I afforded limited weight to this matter.

### **Conditions**

65. The Council has suggested conditions which I have considered against advice in the NPPF and PPG. In addition to the standard implementation condition, I have imposed a condition to ensure the proposal is carried out in accordance with the approved plans, in order to provide certainty and protect the character and appearance of the local area.
66. The Council has proposed a planning condition which refers to occupants needing to accord with the definition of Gypsies and Travellers in Annex 1 of the PPTS. However, the Court of Appeal in the Lisa Smith case held that the exclusion of Travellers who have ceased to travel permanently is discriminatory



and has no legitimate aim. It is not possible to foretell whether any occupiers might be forced to cease travelling permanently during the anticipated lifetime of the permission. Imposing the suggested condition would be liable to result in unlawful discrimination, with family members being unable to live on the site. I shall therefore grant planning permission subject to a condition which restricts occupation to Gypsies and Travellers, defined so as to not exclude those who have ceased travelling permanently. I have not found it necessary to impose a personal condition, for reasons already outlined.

67. The number and type of caravans and size of vehicles kept at the site and the extent of commercial activities on the site are restricted through condition in order to limit visual impact and protect the character and appearance of the area. For the same reasons, conditions seeking details and implementation of landscaping, external lighting and materials are imposed.
68. Conditions relating to flood risk mitigation and surface water drainage are necessary in order to deal with flood risk.
69. Conditions relating to vehicle access and the closure of other access points are imposed in the interests of highway safety.

### **Conclusion**

70. I therefore conclude that the proposal would accord with the development plan as a whole, and as other material considerations do not indicate a decision to the contrary, that the appeal should be allowed.

*Katie Child*

INSPECTOR

### **APPEARANCES**

FOR THE APPELLANT:

Matthew Green      Planning consultant  
Geoff Beel              Flood Risk consultant  
Jeremy Hurlstone    Transport consultant  
Laurence Manning    Appellant  
Laurence Manning    Appellant's father  
Rhiannon Manning    Appellant's sister

**FOR THE LOCAL PLANNING AUTHORITY:**

Keith Wilkinson      Senior Planning Officer, King's Lynn and West Norfolk Borough Council

Sandra Horncenko      Technical Support Officer, King's Lynn and West Norfolk Borough Council

Jonathan Hanner      Highways, Norfolk County Council

Steve Jarman          ORS

**INTERESTED PARTIES:**

Carol Coleman          Member of Marshland St. James Parish Council

Brian Long              King's Lynn and West Norfolk Borough Councillor

**DOCUMENTS RECEIVED AT THE HEARING**

1. Signed Statement of Common Ground between the Council and the appellant (dated 22 June 2023).
2. Signed version of Witness Statement of Laurence Manning (dated 22 June 2023).
3. Letter on Gypsy and Travellers from the Inspectors examining the submitted Local Plan, dated 20 June 2023.
4. Proposed block plan 19\_1072\_004
5. Proposed block plan 19\_1072\_003 Revision E

**DOCUMENTS RECEIVED AFTER THE HEARING**

1. Email from appellant dated 23 June 2023 confirming it is acceptable for the landscaping condition to be a pre-commencement condition.

**SCHEDULE OF CONDITIONS**

1. The development hereby permitted shall begin not later than three years from the date of this decision.
2. The development hereby permitted shall be carried out in accordance with the following approved plans. Drawings Nos. 19\_1072\_001, 19\_1072\_003 Revision E, 19\_1072\_004, 19\_1072\_005 Revision A, 19\_172\_006 and 19\_1072\_007.
3. Finished floor levels will be 600mm above existing ground level with flood resilient construction up to 300mm above finished floor level. The static caravan will be securely anchored to concrete ground bases. These measures shall be maintained thereafter.

4. All surface water drainage from the development will be by soakaway to BRE365 design requirements and Building Regulations approval.
5. No development shall take place until a scheme of landscaping and schedule of maintenance for the establishment of planting for a minimum period of five years has been submitted to, and approved in writing, by the Local Planning Authority. Development shall be carried out in accordance with the approved details and schedule.
6. Prior to occupation details of an external lighting scheme shall be submitted to, and approved in writing, by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
7. On the pitch hereby approved there shall be no more than two caravans, as defined in the Caravan Sites and Control of Development Act 1960 and the Caravans Sites Act 1968, stationed at any time (of which no more than one shall be a static caravan or mobile home).
8. The site shall not be occupied by any persons other than Gypsies and Travellers, defined as persons of nomadic habit of life whatever their race or origin, including such persons who on grounds only of their own or their family's or dependants' educational or health needs or old age have ceased to travel temporarily or permanently, but excluding members of an organised group of Travelling Showpeople or circus people travelling together as such.
9. Except for the breeding and sale of horses, no commercial activities shall take place on the site, including the storage of materials.
10. Except for one vehicle up to 7.5 tonnes used for the transport of horses, no vehicle over 3.5 tonnes shall be stationed, parked or stored on the site.
11. Vehicle access to and from the adjoining highway shall be limited to the access shown on Drawing 19\_1072\_003 Revision E only. Any other access/egress shall be permanently closed and the footway/highway verge shall be reinstated in accordance with the detailed scheme to be agreed with the Local Planning Authority concurrently with bringing the new access into use.
12. No development above slab level of the dayroom shall be undertaken until details of the facing bricks and roof tiles have been submitted to, and agreed in writing by, the Local Planning Authority. The dayroom shall be built in accordance with the materials agreed.

-END-



MATERIAL CHANGE OF USE

BOROUGH COUNCIL OF KING'S LYNN AND WEST NORFOLK

TOWN AND COUNTRY PLANNING ACT 1971 (as amended)

ENFORCEMENT NOTICE

Former Pear Tree Cottage, Small Drove, Walton Highway, West Walton, Wisbech

WHEREAS:-


- (1) It appears to the Borough Council of King's Lynn and West Norfolk ("the Council") being the local planning authority for the purposes of Section 87 of the Town and Country Planning Act 1971 ("the Act") in this matter, that there has been a breach of planning control after the end of 1963 on the land or premises ("the land") described in Schedule 1 below.
- (2) The breach of planning control which appears to have taken place consists in the carrying out of development by the making of the material change in the use of the land described in Schedule 2 below, without the grant of planning permission required for that development.
- (3) The Council consider it expedient, having regard to the provisions of the development plan and to all other material considerations, to issue this enforcement notice, in exercise of their powers contained in the said Section 87, for the reasons set out in the Appendix to this notice.

NOTICE IS HEREBY GIVEN that the Council require that the steps specified in Schedule 3 be taken in order to remedy the breach within the period of three months from the date on which this notice takes effect, i.e. by 21st June, 1983.

THIS NOTICE SHALL TAKE EFFECT, subject to the provisions of Section 88(10) of the Act, on 21st March, 1983.

Issued on 7th February, 1983

Signed .....



J.H. Carr  
Borough Secretary  
Borough Council of King's Lynn and  
West Norfolk

King's Court  
Chapel Street  
King's Lynn  
Norfolk  
PE30 1EX

2/1983/005A/ENF.

Continued .....

SCHEDULE 1

Land or premises to which this notice relates

Former Pear Tree Cottage, Small Drove, Walton Highway, West Walton,  
Wisbech, and shown coloured red on the attached plan.

SCHEDULE 2

Alleged breach of planning control

Change of use of vacant land to use for the stationing of  
residential caravans for purposes of  
human habitation

SCHEDULE 3

Steps required to be taken

Cease using the land for the stationing of residential caravans  
for purposes of human habitation, remove the residential caravans from  
the land and restore the land to its condition before the development took  
place.

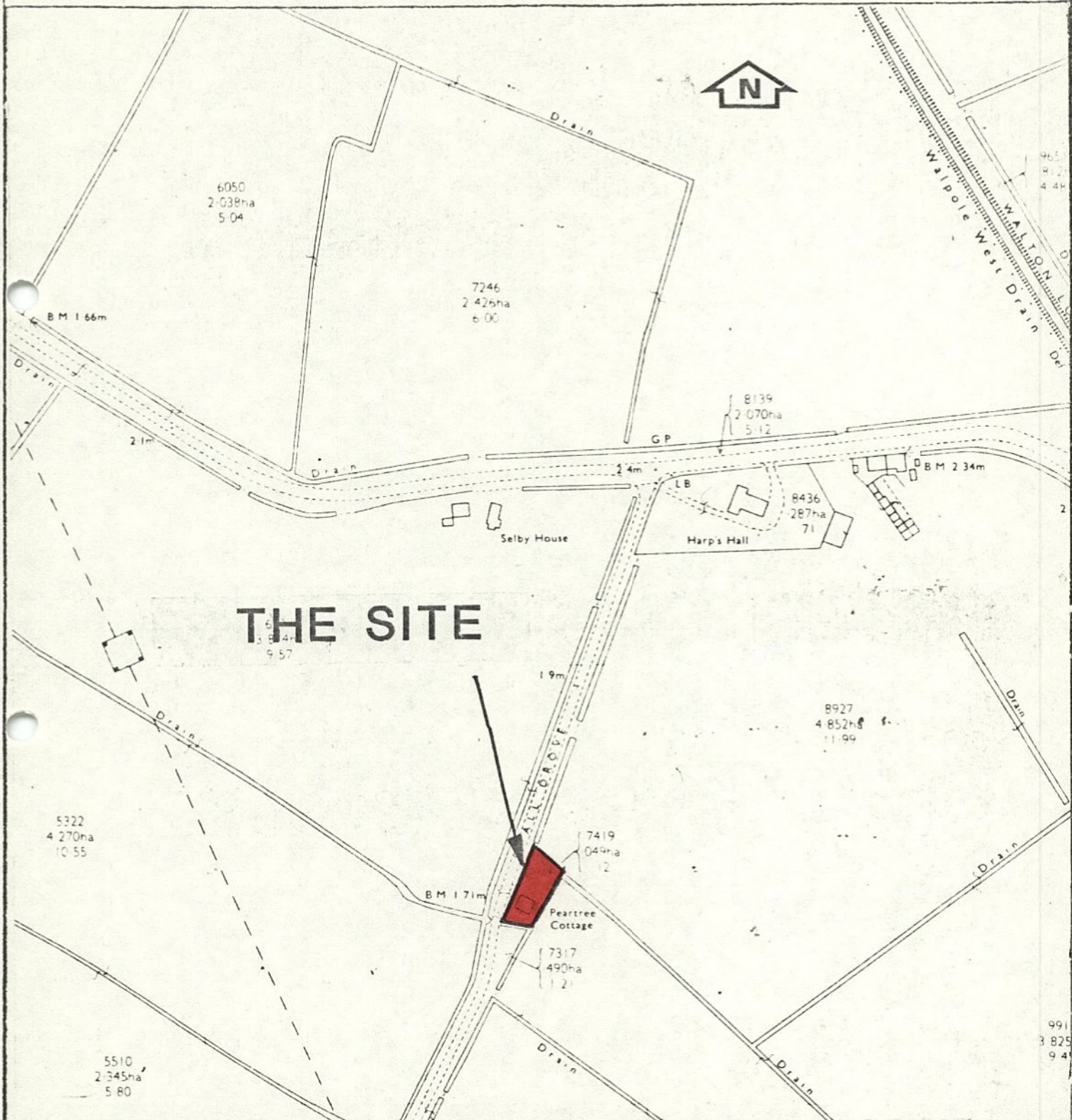
BOROUGH COUNCIL OF KING'S LYNN & WEST NORFOLK

TOWN & COUNTRY PLANNING ACT 1971

ENFORCEMENT OF PLANNING CONTROL

PLAN SHOWING SITE OF UNAUTHORISED DEVELOPMENT

AT FORMER PEAR TREE COTTAGE, SMALL DROVE, WALTON HIGHWAY, WEST WALTON



REF: 2/DEV/6/A.C.W.

SCALE: 1/2500

TRACED FROM: O.S. TF 5010

DATE: November 1982

143

Clifford Walters, Dip.T.P.,  
F.R.T.P.I.,  
Borough Planning Officer,  
King's Court, Chapel Street,  
King's Lynn, Norfolk.

Reasons why the Local Planning Authority consider it  
expedient to issue the notices

1. In the opinion of the Borough Planning Authority the planning considerations affecting residential caravans are similar to those affecting permanent residential development. The Norfolk Structure Plan seeks to limit housing development outside towns and villages to those dwellings essential to agriculture, forestry, organised recreation or the expansion of existing institutions and within villages to dwellings which will enhance the form and character of the settlement. It is not considered that the use of the site for standing residential caravans meets either of these criteria and it would consequently be contrary to the provisions of the Structure Plan and prejudicial to County Strategy.
2. No special need has been advanced which in the opinion of the Borough Planning Authority is sufficient to outweigh the planning objections.
3. It is the policy of the Borough Planning Authority not to permit the use of caravans for permanent residential purposes on isolated sites throughout the district and the use of caravans or mobile homes for this purpose should be restricted to approved sites where the necessary facilities are provided.
4. The use of the site for the standing of residential caravans and the retention of the corrugated iron fence constitutes a form of development out of keeping and character with the rural locality and create a precedent for similar proposals to the detriment of the visual amenities.
5. The road network in the area is inadequate and unsuitable to serve the development.



15B

OPERATIONAL DEVELOPMENT

BOROUGH COUNCIL OF KING'S LYNN AND WEST NORFOLK

TOWN AND COUNTRY PLANNING ACT 1971 (as amended)

ENFORCEMENT NOTICE

Former Pear Tree Cottage, Small Drove, Walton Highway, West Walton, Wisbech

WHEREAS:-

- (1) It appears to the Borough Council of King's Lynn and West Norfolk ("the Council") being the local planning authority for the purposes of Section 87 of the Town and Country Planning Act 1971 ("the Act") in this matter, that there has been a breach of planning control within the period of 4 years before the date of issue of this notice on the land or premises ("the land") described in Schedule 1 below.
- (2) The breach of planning control which appears to have taken place consists in the carrying out of development by the making of the material change in the use of the land described in Schedule 2 below, without the grant of planning permission required for that development.
- (3) The Council consider it expedient, having regard to the provisions of the development plan and to all other material considerations, to issue this enforcement notice, in exercise of their powers contained in the said Section 87, for the reasons set out in the Appendix to this notice.

NOTICE IS HEREBY GIVEN that the Council require that the steps specified in Schedule 3 below be taken in order to remedy the breach within the period of three months from the date on which this notice takes effect, i.e. by 21st June, 1983.

THIS NOTICE SHALL TAKE EFFECT, subject to the provisions of Section 88(10) of the Act, on 21st March 1983.

Issued on 7th February 1983



Signed .....

J.H. Carr  
Borough Secretary  
Borough Council of King's Lynn and  
West Norfolk

King's Court  
Chapel Street  
King's Lynn  
Norfolk  
PE30 1EX

2/1983/0015B/ENF

Continued .....

SCHEDULE 1

Land or premises to which this notice relates

Former Pear Tree Cottage, Small Drove, Walton Highway, West Walton, Wisbech, and shown coloured red on the attached plan.

SCHEDULE 2

Alleged breach of planning control

The carrying out of building operations namely the erection of a seven feet high corrugated iron fence along the northern, southern and western boundaries of the land.

SCHEDULE 3

Steps required to be taken

Remove the fence referred to in Schedule 2 above.

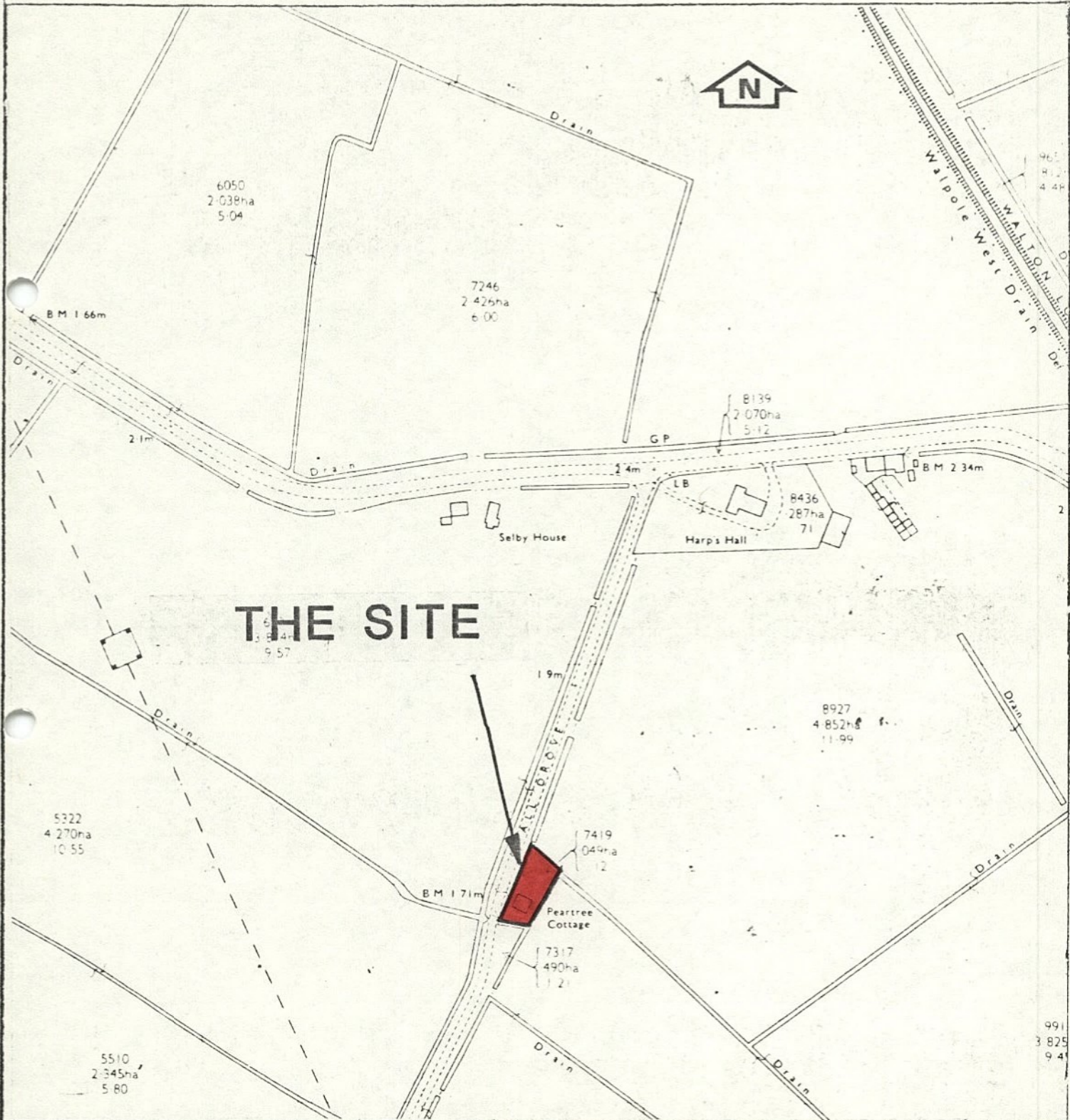
BOROUGH COUNCIL OF KING'S LYNN & WEST NORFOLK

TOWN & COUNTRY PLANNING ACT 1971

# ENFORCEMENT OF PLANNING CONTROL

## PLAN SHOWING SITE OF UNAUTHORISED DEVELOPMENT

AT FORMER PEAR TREE COTTAGE, SMALL DROVE, WALTON HIGHWAY, WEST WALTON



REF: 2/DEV/6/A.C.W.

SCALE: 1/2500

TRACED FROM: O.S. TF 5010

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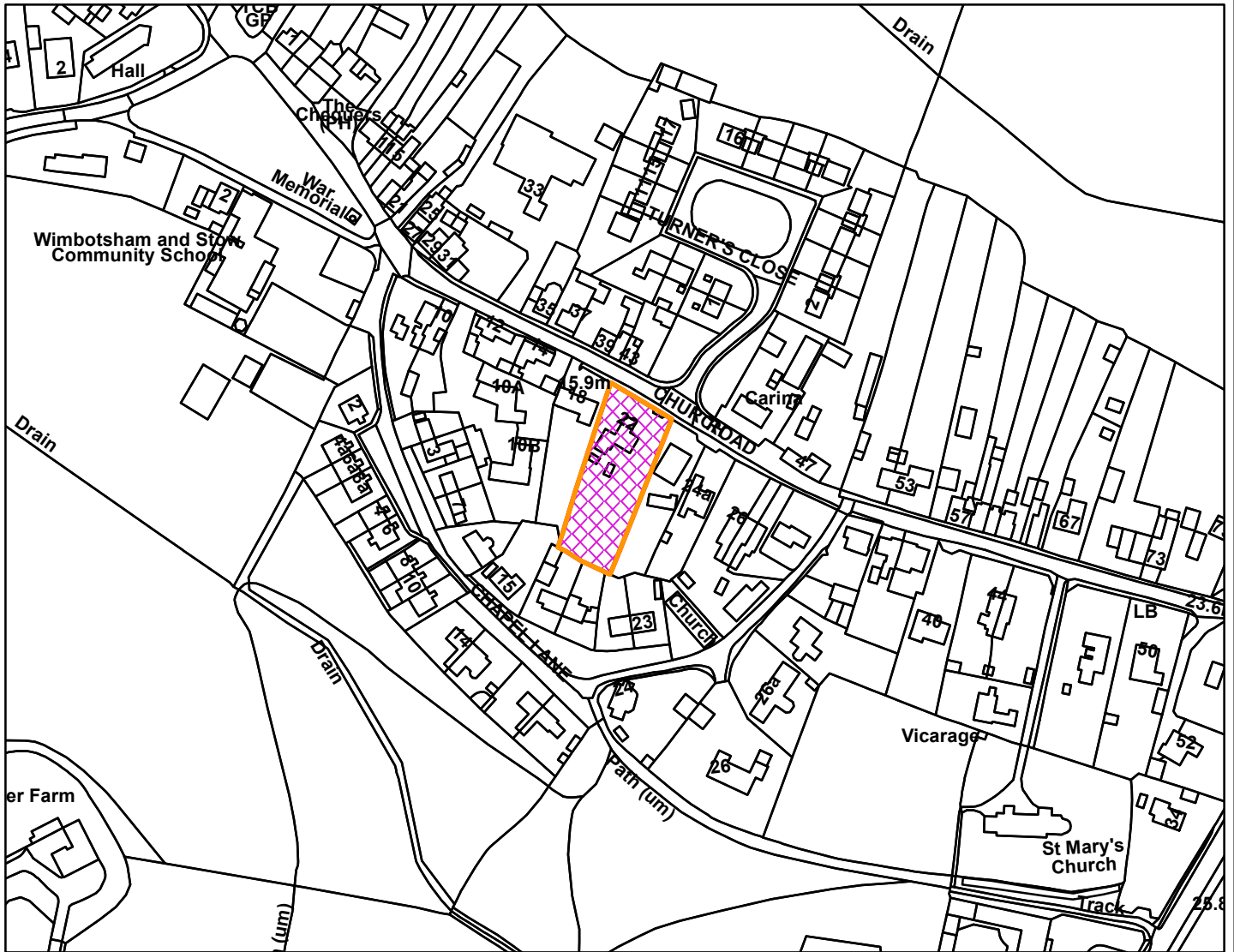
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4. The use of the site for the standing of residential caravans and the retention of the corrugated iron fence constitutes a form of development out of keeping and character with the rural locality and create a precedent for similar proposals to the detriment of the visual amenities.
5. The road network in the area is inadequate and unsuitable to serve the development.





Bernina 22 Church Road Wimbotsham King's Lynn PE34 3QG



**Legend**

[Empty legend box]

**Scale:** 1:2,500

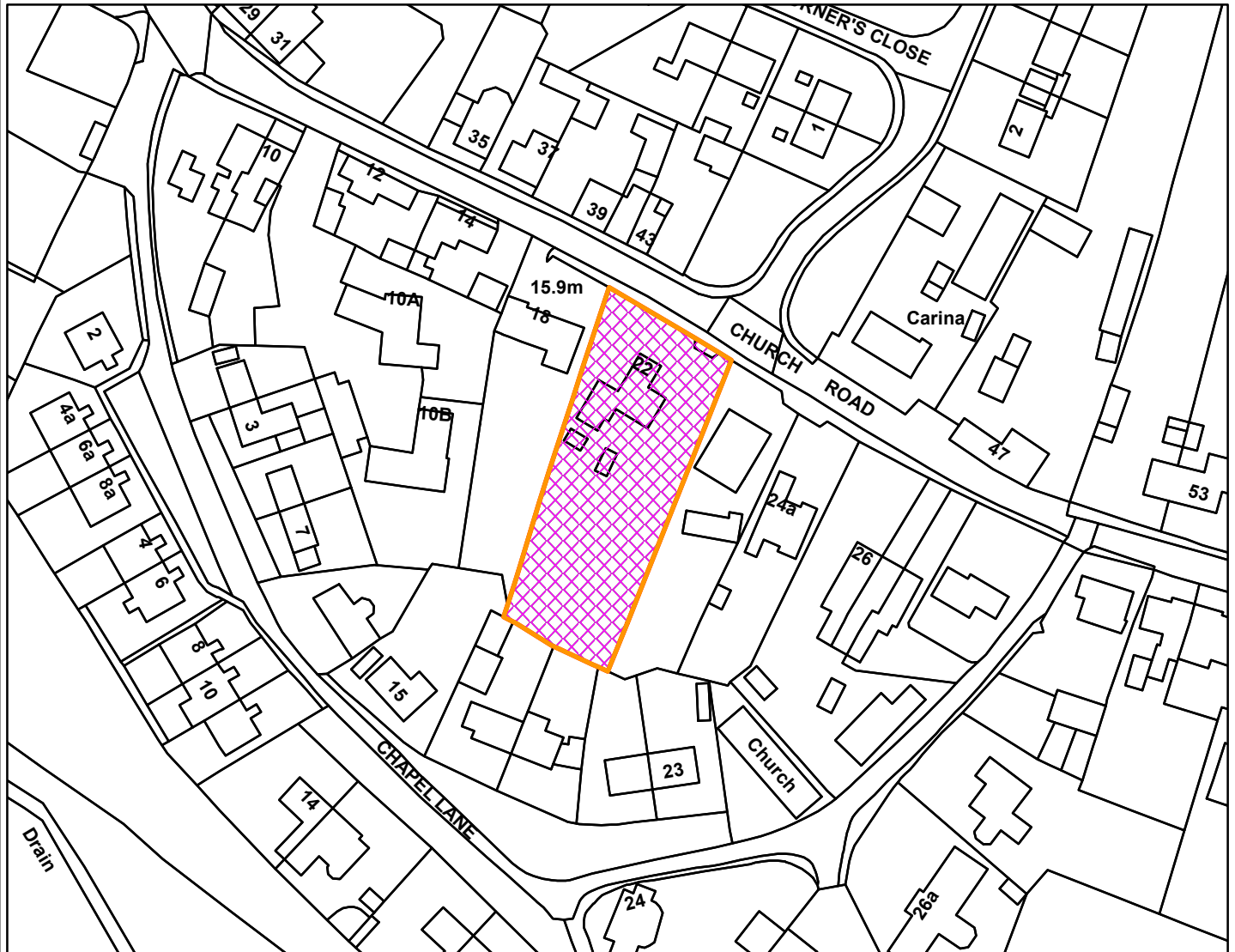
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Organisation	BCKLWN
Department	Department
Comments	
Date	19/06/2024
MSA Number	0100024314



Bernina 22 Church Road Wimbotsham King's Lynn PE34 3QG



**Legend**

**Scale:** 1:1,250

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Organisation	BCKLWN
Department	Department
Comments	
Date	19/06/2024
MSA Number	0100024314

<b>Parish:</b>	<b>Wimbotsham</b>	
<b>Proposal:</b>	<b>Two storey rear and single storey extensions to side and rear of existing dwelling, following removal of existing extensions and shed &amp; construction of a new garage/garden store &amp; alterations to existing vehicular access.</b>	
<b>Location:</b>	<b>Bernina 22 Church Road Wimbotsham King's Lynn</b>	
<b>Applicant:</b>	<b>R &amp; J Hurst</b>	
<b>Case No:</b>	<b>24/00740/F (Full Application)</b>	
<b>Case Officer:</b>	<b>Kirsten Jeavons</b>	<b>Date for Determination: 13 June 2024 Extension of Time Expiry Date: 8 July 2024</b>

**Reason for Referral to Planning Committee** – Called in by Cllr Spikings

**Neighbourhood Plan:** No

**Case Summary**

Planning permission is sought for a 2-storey rear extension, 2 single storey side extensions, a single storey rear extension and a large, detached garage.

The application site is located within the development boundary of Wimbotsham, which is classed as a Rural Village within Policy DM2 of the Site Allocations and Development Management Policies Plan (SADMPP 2016).

The application site is located to the southwest of Church Road and situated within the Wimbotsham Conservation Area.

The existing dwelling is a detached, 2 storey, mixed red brick dwelling with a hipped roof and attached flat roof garages at the rear.

**Key Issues**

- Principle of development
- Form and character and impact on the Conservation Area.
- Highway safety
- Other material considerations

**Recommendation**

**REFUSE**

## **THE APPLICATION**

The application site is located within the development boundary and Conservation area of Wimbotsham.

The site is located to the Southeast of Church Road. Church Road is the main route through the village and is characterised by a range of historic cottages and bungalows.

The proposal is made up of 5 elements:

- A 2-storey rear extension
- A single storey rear extension
- A single storey side extension to the northwest
- A single storey side extension to the southeast
- A detached garage

The existing garages, shed and single storey extension would be demolished as part of the proposal.

## **SUPPORTING CASE**

Summarised as follows:

An earlier application to extend this dwelling was withdrawn following objection from the Assistant Conservation Officer.

The Assistant Conservation Officer correctly identified that the house sits on a large plot in the Conservation Area, but she considers it to be a 'large building', something that is contested. The original house, including the living room extended on the ground floor amounts to only 45m<sup>2</sup> upstairs and 54m<sup>2</sup> downstairs - a total of only 99m<sup>2</sup> floor area - hardly a large house. The remaining, hotch-potch, flat roof extensions and garages on the rear are of no practical use. The house maybe looks larger than it actually is because of its slightly elevated position and high eaves level.

The Assistant Conservation Officer stated that the property is "unusual within this location as the majority of properties are small scale rural cottages or modest bungalows". Again, this is contested because, although there are bungalows on either side of no.22 and some "rural cottages", there are also a considerable number of two storey dwellings much larger than no.22, in quite close proximity to the site and throughout Church Road in general.

The Assistant Conservation Officer pointed out that the property is of no historic value and has a neutral impact on the CA. It is suggested that this will remain the case once the house has been extended. The extensions will make a small dwelling liveable by today's standards and of a scale suitable for the plot in which it sits.

In order to overcome the specific objections to the earlier application, the two-storey part of the scheme has been moved to the rear of the dwelling and the single storey parts improved visually. This means that, in terms of street scene, the appearance of the dwelling will be little changed.

There are no objections other than those of the Assistant Conservation Officer and the application is supported by the Parish Council. The Assistant Conservation Officer's comments are much the same as for the first application and appear to bear no relationship to the amended scheme. There are no alterations to the front elevation and the two-storey part of the extension won't be seen from the road.

The planning Officer commented that the application was going to committee due to a call in, and the amended plans had been discussed and were deemed unacceptable. They had previously recommended coming in for pre-app prior to resubmission following the withdrawal of the previous application. The call in seems to suggest that the applicants are being penalised for not seeking pre-app advice. However, the reason for this had already been explained to both the Planning Officer and the Assistant Conservation Officer in an email which stated that the time for a pre-app to be determined would delay the commencement of building works and therefore a full application was resubmitted straight away.

The proposed extensions and garage are all set well back from the existing house frontage and in a very large garden area. There will be no impact on the street scene and no overlooking or overshadowing. Views along Church Road will not be affected by the proposal. It is not considered that these works will have any detrimental effect on the historic characteristics of the Conservation Area. The proposal will conform with the Conservation Area objective of encouraging retention and maintenance of buildings which contribute to the overall character of the Conservation Area.

## **PLANNING HISTORY**

24/00260/F: Application Withdrawn: 09/04/24 - Two storey and single storey extensions to side and rear of existing dwelling, following removal of existing extensions and shed & construction of a new garage/garden store & alterations to existing vehicular access. - Bernina, 22 Church Road

24/00036/TREECA: Tree Application - No objection: 27/02/24 - Removal of 2 rows of Laylandi/Conifer hedging which is overgrown. - Bernina, 22 Church Road

2/79/3726/F/BR - Single storey rear and garage extensions - Bernina, 22 Church Road

## **RESPONSE TO CONSULTATION**

**Parish Council:** SUPPORTS

**Highways Authority:** NO OBJECTIONS

**Conservation Officer:** OBJECTS

This property is a large building which sits comfortably within a large plot in the Wimbotsham Conservation Area. It is unusual within this location as the majority of properties are small scale rural cottages, or modest bungalows.

Whilst this property is of no historic value, it has a neutral impact on the conservation area and street scene, set back from the road at an elevated position.

The proposed extensions will make an existing large property, extremely large, which will have an imposing, negative effect on the conservation area, contrary to the rhythm and character of the existing street scene. The odd roof arrangement and the mix of window styles and proportions on the front elevation add to the increased obtrusive presence of the building.

This current proposal will therefore harm the character of the conservation area and street scene of the small rural village by creating a building at odds with the grain of development.

Some form of discrete, sympathetic extension may be possible, but it should reflect the existing form and character of development in this location, and sit comfortably within the plot without imposing on the quiet rural character of the area

## **INTERNAL DRAINAGE BOARD: NO OBJECTIONS**

### **Environmental Quality:**

Due to the age of the property on site there is the potential for asbestos containing materials to be present. With this in mind, we recommend the applicant's attention is drawn to the Asbestos informative.

## **REPRESENTATIONS**

**NONE** received.

## **LDF CORE STRATEGY POLICIES**

**CS02** - The Settlement Hierarchy

**CS06** - Development in Rural Areas

**CS08** - Sustainable Development

**CS12** - Environmental Assets

## **SITE ALLOCATIONS AND DEVELOPMENT MANAGEMENT POLICIES PLAN 2016**

**DM2** – Development Boundaries

**DM15** – Environment, Design and Amenity

## **NATIONAL GUIDANCE**

National Planning Policy Framework (NPPF)

Planning Practice Guidance (PPG)

National Design Guide 2021

## **OTHER GUIDANCE**

Conservation Area Character Statement.

## **PLANNING CONSIDERATIONS**

The main considerations are:

Principle of development  
Form and character and impact on the Conservation Area  
Impact on neighbour amenity  
Highway safety

### **Principle of Development:**

The application proposes the construction of side and rear extensions to the existing dwelling and a large, detached garage at Bernina, 22 Church Road, Wimbotsham. The site is located within the development boundary for Wimbotsham and within the curtilage of the existing dwelling. The principle of development is therefore acceptable.

### **Form and Character:**

The application site consists of a detached two storey, mixed red brick 1950s style dwelling. the dwelling is a L shaped building, finished with a hipped roof and projecting bay at the front wing. The dwelling has been previously extended at the rear to provide a double flat roof garage and single storey rear extension, which would be demolished as part of this proposal. The dwelling is northeast facing. Either side of the application sites are bungalows.

Planning permission is sought for a two-storey rear extension, 2 single storey side extensions, a single storey rear extension and a large separate detached garage.

Policies CS06, CS08 and CS12 of the Core Strategy 2011 and Policy DM15 of the SADMPP 2016 states that development in rural areas should be of good design, which responds sympathetically to the local setting and demonstrates that the scale, density and layout would protect and enhance the character and quality of area, including Conservation Areas.

Development should also be in accordance with paragraphs 135, 139 and 212 of the NPPF 2023, which states that development should be sympathetic to local character, contribute positively to the Conservation Areas and be of good design.

Wimbotsham Conservation Area Character Statement states that development within the village should be undertaken in a sympathetic way to ensure no harm is caused to the essential character of the area.

The proposed two storey rear extension would be approximately 7.2m high, 5.5m wide and 6.1m deep off the existing rear elevation. A single storey rear extension would be located off the two-storey extension and would be approximately 5.5m wide, 3.7m high and 8.4m deep. The extension would be finished with Wienerberger renaissance blend facing brick, a pitched roof with plain tiles to match the existing dwelling, white UPVC windows, bifold doors and roof lights.

The proposed single storey extension to the southeast of the existing dwelling would be approximately 3.6m high, 2.7m wide and 6.4m deep. The extension would be finished with Wienerberger renaissance blend facing brick, a mono pitched roof with plain tiles, white UPVC windows and roof lights.

The proposed single storey extension to the northwest of the existing dwelling would be approximately 3.5m wide, 3.7m high and 8m deep. The extension would be finished with Wienerberger renaissance blend facing brick, a mono pitched roof with Wienerberger 20/20

clay tiles in antique slate colour, timber door with a pitched roof shelter and white UPVC window and roof lights.

The proposed garage, with a double pitched and hipped roof, is a large structure, and would be approximately 9m wide, 12.5m deep and 5.4m high. The garage would be finished with materials to match the extensions, along with timber doors, horizontal timber cladding, oak framework and solar panels.

The principle of extending this property is acceptable however, the proposed extensions do not reflect and respect the design, roof types, proportions, and fenestration of the existing dwelling. Whilst the proposed 2 storey extension would be located at the rear of the existing dwelling, limiting the impact on the Conservation Area, in combination with the large single storey side and rear extensions amounting to 17m in depth (in parts), the extensions would not be sympathetic to the character of the existing dwelling and would be contrary to Policies DM15, CS08 and CS12 and the provisions of the NPPF. The existing dwelling is already a large dwelling within the street and the significant increase in scale would not reflect the surrounding area, which is predominantly made up of bungalows, rural cottages and smaller detached & semi-detached two-storey dwellings.

In addition, the proposed garage is very large, and in an elevated position. The garage would have an approx. depth of 12.5m, width of 9m and height of 5.4m. Whilst the principle of a detached garage is acceptable, the garage is not considered to be sympathetic in scale to the main dwelling and the surrounding properties. No.24's bungalow has an approx. depth of 9.9m and width of 9.4m, the proposed garage would be significantly bigger than the neighbouring bungalow and although set back from Church Road, with no screening treatment, the garage would be visible from Church Road, particularly given the slope on site.

In terms of fallback, whilst the principle of extensions and a garage on site would be acceptable, and under Class A and Class E of the Town and Country Planning (General Permitted Development) Order 2015 (as amended), a single storey rear extension up to 4 metres in height and depth and a garage with a max height of 4m (dual pitched roof) could be erected at the rear without planning permission. The proposed development significantly exceeds these limits and for the reasons stated above is not considered to be acceptable.

The cumulative effects of the proposed extensions and the large, detached garage would fail to comply with Policies CS06, CS08 and CS12 of the Core Strategy 2011, Policy DM15 of the SADMPP 2016 and Paragraphs 135, 139 and 212 of the NPPF 2023. The scale, height, design and massing of the combined extensions have not been designed in a way which is reflective or respects the main dwelling. The significant increase in depth and open spacing to the front and side of the existing dwelling would create a visually large and predominant dwelling in the street scene, which would not be sympathetic to the local character and would not add to the overall quality of the Conservation Area.

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

The application site allows for sufficient separation distance to limit any adverse impacts on the adjacent neighbouring properties.

Northwest neighbour (18 Church Road)

The closest part of the proposal to 18 Church Road would be the single storey side/ rear extension, situated at approx. 4.2m from the neighbouring boundary and 7.4m from the neighbouring dwelling (No.18). With the extension being single storey and situated at a significant distance from the neighbouring dwelling, there would not be any adverse impact



created from overbearing and overshadowing to No.18. Two roof lights and a door have been proposed on the northwest elevation, however the roof lights would be situated at an angle and would not directly face No.18 and the door would serve a utility (a non-habitable room) ensuring no increase in impact from overlooking to No.18.

The proposed two-storey rear extension would be situated at approx. 9m from the neighbouring boundary and 12.8m from the neighbouring dwelling. The significant separation distance mitigates any increase in impact from overbearing to No.18 and no windows have been proposed on the northwest elevation, ensuring no detrimental impact from overlooking as result of the proposal. The height of the proposed extension would not exceed the height of the existing dwelling and due to the orientation of the extension, the proposal would not result in any detrimental increase in overshadowing already experienced by the main dwelling.

The proposed garage would be situated approx. 14m from the neighbouring boundary and 22.9m from the neighbouring dwelling. The significant separation distance between the proposed garage and No.18 would ensure no detrimental impact from overbearing and overshadowing to No.24. While a window has been proposed on the northwest elevation, the window would serve a garden store (a non-habitable room) and therefore would not create overlooking impact.

#### Southeast neighbour (24 Church Road)

The closest part of the extension proposal to 24 Church Road would be the single storey side extension, situated at approx. 8.9m from the neighbouring boundary and 10.4 m from the neighbouring boundary. With the extension being single storey, situated at a significant distance from No.24, the extension would not cause any detrimental impact from overbearing and overshadowing to No.18. Two roof lights have been proposed on the southeast elevation of the single storey side extension, which will be situated at angle and would not cause impact from overlooking. Two windows and a door have been proposed on the southeast elevation of the single rear extension, these windows and doors would be at ground level and would not directly face No.24's dwelling, ensuring no detrimental impact from overlooking.

The proposed 2-storey rear extension would be situated at approx. 11m from the neighbouring boundary and 13m from the neighbouring dwelling. The significant separation distance ensures no overbearing impact and only one roof light has been proposed on the southeast elevation roof, which would not cause impact from overlooking because it would be situated at angle and would not directly face No.24. The extension would cause a degree of overshadowing to the No.24 in the late hours of the evening; however, the existing dwelling already causes a degree of overshadowing to No.24 and the increase in impact created by the two-storey extension is considered minimal and would not be detrimental to the neighbour's amenity.

The proposed garage would be situated approx. 2m from the neighbouring boundary and 10.3m from the neighbouring dwelling. Although the garage would be situated close to the neighbouring boundary, it would be set back from No.24's main dwelling and therefore would not cause any detrimental impact from overbearing and overshadowing. No windows or doors have been proposed on the southeast elevation of the garage, ensuring no detrimental impact from overlooking.

There are no neighbours directly to the northeast and to the southwest neighbouring boundary it would be approx. 26m from the proposed garage, 34m from the proposed single storey rear extension and 42.m from the proposed two storey rear extension and an additional approx. 17m to the neighbouring dwellings. The significant separation distance

created by No.22's garden and the neighbours gardens, would mitigate any impact from overbearing, overlooking and overshadowing to the southwest neighbouring dwellings.

Overall, due to the positioning of the proposed extensions and garage and significant distance between the proposal and neighbouring dwellings there would be little to no detrimental impact on neighbours as a result of the development. The impact to neighbours is therefore considered to be acceptable and would be in accordance with Policy CS08 of the Core Strategy 2011 and policy DM15 of the SADMPP 2016.

### **Highway Safety:**

The proposal would not impact on highway safety. Although the proposal would increase the number of bedrooms from 3 to 4, resulting in the dwelling requiring 3 parking space, the application site provided adequate space on the driveway for 3 cars and the proposed garage would also provide an additional car parking space.

The highway safety implications of the development are therefore acceptable and comply with the NPPF (2023), Policies CS08, CS11 and DM15 of the Local Plans.

### **Other material considerations :**

No implications regarding drainage on site have been identified by the Internal Drainage Board and Environmental Quality have advised an informative note to be added regarding potential the demolition of materials which could contain asbestos due to the age of the property.

The Site and Location plan states that the existing wall splay is to be removed to increase the access width and new brick piers are to be installed at the end of the existing wall. The wall has not been included as part of the proposal and it should be noted that if the height of the proposed brick piers exceeds 1m, it would require separate planning permission.

### **CONCLUSION:**

The application site is located within the development boundary and Conservation Area of Wimbotsham, and while residential development in the area is supported, development within the village should be undertaken in a sympathetic way to ensure no harm is caused to the essential character of the area. The Local Authority has a duty set out in legislation to preserve or enhance the character or appearance of conservation areas, when exercising its duties.

Extensions to residential dwellings should be designed in a way which appear sympathetic and subservient to the principal dwelling. The combination of the design, size and scale of the side and rear extensions would significantly increase the depth of the existing dwelling by over double and while the extensions would be situated to the rear, the lack of screening from the neighbouring properties and opening spacing along Church Road would result in the extensions being visible along Church Road. In addition to the large extension, the proposal also includes the construction of a 1 ½ storey detached garage which measures over 12 metres x 9 metres in floor space which in itself, is similar in scale to the neighbouring bungalow. The scale of the proposed extensions and detached garage would not reflect the surrounding properties and therefore would cause harm to the visual amenity and character of the Conservation Area.

Overall, the development fails to reflect local design policies DM15 and CS12 and government guidance (NPPF) on design and is not an outstanding or innovative design

which promotes high levels of sustainability and therefore would not be in accordance with Policy DM15 of the SADMPP 2016, Policies CS02, CS06, CS08 and CS12 of the Core Strategy 2011 and the NPPF 2023, specifically paragraphs 135, 139 and 212.

**RECOMMENDATION:**

**REFUSE** for the following reason(s):

- 1 Development should be undertaken in a sympathetic way to ensure no harm is caused to the essential character of the existing dwelling and surrounding Conservation Area. The cumulative impact of the proposed extensions and large detached garage by virtue of their proportions, mass and design would not respect the building characteristics of the existing dwelling or the Conservation Area within which it is located. Therefore, the proposed design would not be in accordance with Paragraphs 135, 139 and 212 of the NPPF 2023 and fail to comply with Policy DM15 of the SADMPP 2016 and Policies CS02, CS06, CS08 and CS12 of the Core Strategy 2011.

**PLANNING COMMITTEE**

**DATE 1 July 2024**

**UPDATE ON TREE MATTERS**

**Prepared by Brian Ogden, Arboricultural Officer**

**1.0 Introduction**

1.1 This report seeks to update Members on recent Tree Preservation Orders (TPO's) that have been served since along with a summary of other aspects of the work in relation to trees & planning.

**2.0 Summary of Work**

2.1 Set out in table 1 is a breakdown of the numbers of the various types of applications or work types carried out during the period.

2.2 Members will be aware that there are two types of tree work applications.

2.3 Notifications for work to trees in a Conservation Area have to be responded to within 6 weeks, if responses are not received within these timescales the work is deemed to be acceptable and can be carried out.

2.4 Works to trees protected by a Tree Preservation Order (TPO), when the target date is 8 weeks.

2.5 Five days written notice is required where protected trees that have died or need to be felled due to their very poor condition. These are also recorded as applications under the suffix TDD. Replacement trees can then be enforced if suitable.

2.6 Tree and Landscape related consultations to planning applications have a target date for response of 21 days to allow the overall target date of 8 or 13 weeks to be met.

2.7 There is also a requirement to respond to discharge of planning conditions with a specified time period, so as not to unnecessarily delay commencement of approved development.

2.8 Although not time specific, the serving of a new TPO is often a matter of urgency in order to prevent the trees being felled or inappropriate pruning taking place. Once served there are time limits for objections to be received, and responses to be sent and the matter placed before the Planning Committee. If this is not all completed within 6 months of the serving then the protection given to the trees by the TPO lapses, and the only way to protect the trees is to begin the process again.

2.9 Of equal importance are the pre-application appointments and meetings both for tree work applications and planning applications, as well as responses to the general day to day tree related enquiries by members of the public. Trees are very high profile and members of the public and many local organisations look to the Council to provide help and guidance on tree matters. Officers always seek to use these enquiries as an opportunity for the promotion of good tree care and support for internal and external stakeholders and interest groups.

*Table 1 – Breakdown of tree related applications and work received between 1 November 2023 and 30 April 2024*

	<b>Numbers</b>
<b>Planning Applications</b>	
Planning Applications considered	285
Pre-Applications considered	18
Applications to discharge tree and landscape conditions	40
<b>New Tree Preservation Orders</b>	
New TPO's - Served	5
TPO's without objections confirmed	2
TPO's with objections yet to be confirmed or not confirmed	3
<b>Tree Work Applications/Conservation Area Notifications</b>	
Conservation Area Notifications approved	125
Conservation Area Notification Refused (TPO Served)	0
Conservation Area Notification Pending	
Tree Preservation Order applications approved	36
Tree Preservation Order applications refused/partially/split decisions	0
refused	2
Tree Preservation Order applications appealed	0

Tree Preservation Order applications pending	0
TDD 5 day notice for dead branches	0
TDD 5 day notice for dead or dangerous tree	1

### **3.0 Details of TPO's Served and Confirmed since February 2014**

- 3.1 5 new Tree Preservation Orders were made between 1<sup>st</sup> November 2023 and 30<sup>th</sup> April 2024. Where no objections were received, they have been confirmed under delegated powers.
- 3.2 When objections have been received, the Arboricultural Officer will first try to resolve the objection with the objector/s. If the objections cannot be resolved at an officer level, the matter will be brought to the Planning Committee for consideration. Planning Committee will determine whether the order is to be confirmed, not confirmed or confirmed subject to any amendments.
- 3.3 Between 1<sup>st</sup> November 2023 and 30<sup>th</sup> April 2024 2 orders were confirmed under delegated powers. There are 3 orders yet to be confirmed.
- 3.4 No appeals were made between 1<sup>st</sup> November 2023 and 30<sup>th</sup> April 2024 relating to decisions regarding works to protected trees.

### **4.0 Recommendation**

- 4.1 That members of the Planning Committee note the contents of the report.



**PLANNING COMMITTEE – 01 July 2024**

**APPLICATIONS DETERMINED UNDER DELEGATED POWERS**

**PURPOSE OF REPORT**

- (1) To inform Members of the number of decisions issued between the production of the June Planning Committee Agenda and the July agenda. 109 decisions issued 104 decisions issued under delegated powers with 5 decided by the Planning Committee.
- (2) To inform Members of those applications which have been determined under the officer delegation scheme since your last meeting. These decisions are made in accordance with the Authority’s powers contained in the Town and Country Planning Act 1990 and have no financial implications.
- (3) This report does not include the following applications – Prior Notifications, Discharge of Conditions, Pre Applications, County Matters, TPO and Works to Trees in a Conservation Area
- (4) Majors are assessed against a national target of 60% determined in time. Failure to meet this target could result in the application being dealt with by Pins who will also receive any associated planning fee.

**RECOMMENDATION**

That the reports be noted.

Number of Decisions issued between 16 May 2024 – 18 June 2024

	Total	Approved	Refused	Under 8 weeks	Under 13 weeks	Performance %	National Target	Planning Committee decision	
								Approved	Refused
<b>Major</b>	1	1	0		1	100%	60%	0	0
<b>Minor</b>	40	33	7	37		92.5%	80%	2	1
<b>Other</b>	68	62	6	64		94.1%	80%	0	2
<b>Total</b>	<b>109</b>	<b>96</b>	<b>13</b>						

Planning Committee made 5 of the 109 decisions, 5%



## PLANNING COMMITTEE - 01 July 2024

### APPLICATIONS DETERMINED UNDER DELEGATED POWERS

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#### PURPOSE OF REPORT

To inform Members of those applications which have been determined under the officer delegation scheme since your last meeting. These decisions are made in accordance with the Authority's powers contained in the Town and Country Planning Act 1990 and have no financial implications.

#### RECOMMENDATION

That the report be noted.

#### DETAILS OF DECISIONS

DATE RECEIVED	DATE DETERMINED/ DECISION	REF NUMBER	APPLICANT PROPOSED DEV	PARISH/AREA
10.08.2023	28.05.2024 <b>Application Permitted</b>	23/01552/F	Home Lea 85 Stanhoe Road Great Bircham Norfolk Proposed rear extension and alterations to dwelling house	Bircham
27.03.2024	24.05.2024 <b>Application Permitted</b>	24/00574/F	Blueberry Lodge 81 Docking Road Great Bircham King's Lynn Change of use from Agricultural Land to Paddock with Storage Building upon and retention of existing structure (Gazebo) within domestic land	Bircham

02.01.2024	30.05.2024 <b>Application Permitted</b>	24/00008/CHSR17	Public Conveniences Beach Road Brancaster Norfolk Application under the Habitats Regulations 2017: Regulation 77 Approval for the site investigation	Brancaster
18.01.2024	22.05.2024 <b>Application Permitted</b>	24/00095/F	2 Corner Lodge Main Road Brancaster KINGS LYNN Demolition of existing adjoining outbuildings and erection of new extension to east; erection of new garage and workshop	Brancaster
25.03.2024	07.06.2024 <b>Application Permitted</b>	24/00543/F	Lobster Pot Main Road Brancaster Staithe King's Lynn Proposed Construction of Outdoor Kitchen, Shed and Sauna	Brancaster
12.06.2023	28.05.2024 <b>Application Refused</b>	23/01031/F	16A Mill Green Burnham Market King's Lynn Norfolk Extensions and alterations to dwelling	Burnham Market
09.04.2024	04.06.2024 <b>Not Lawful</b>	24/00664/LDP	7 Rogers Row Station Road Burnham Market King's Lynn Lawful Development Certificate: Removal of existing partial width single-storey rear extension and replacement with full width single-storey extension. Alterations to outbuilding. Replacement of existing windows and doors.	Burnham Market
18.04.2024	10.06.2024 <b>Application Permitted</b>	24/00741/F	Sanderling Herrings Lane Burnham Market King's Lynn New Flint render details to front elevation only, involving new windows and doors.	Burnham Market

02.04.2024	06.06.2024 <b>Application Permitted</b>	24/00597/F	Jocks Cottage Wells Road Burnham Overy Staithe King's Lynn Proposed alterations and extension to the rear to enlarge the kitchen and provide a utility room.	Burnham Overy
28.03.2024	31.05.2024 <b>Application Permitted</b>	24/00583/F	Atherstone House Newton Road Castle Acre King's Lynn Demolition of existing UPVC conservatory structure and erection of single storey rear garden room extension	Castle Acre
09.05.2024	04.06.2024 <b>Application Refused</b>	22/01310/NMAM_1	Land West of Knights Hill Village Grimston Road South Wootton Norfolk NON-MATERIAL AMENDMENT to Planning Permission 22/01310/RMM: Approval of matters reserved for layout, scale, appearance and landscaping following outline planning permission 16/02231/OM for the erection of new homes, open space, a car park to serve Reffley Wood, paths and cycleways and associated development.	Castle Rising

20.05.2024	04.06.2024 <b>Application Refused</b>	22/01310/NMAM_2	Land West of Knights Hill Village Grimston Road South Wootton Norfolk NON-MATERIAL AMENDMENT to Planning Permission 22/01310/RMM: Approval of matters reserved for layout, scale, appearance and landscaping following outline planning permission 16/02231/OM for the erection of new homes, open space, a car park to serve Reffley Wood, paths and cycleways and associated development.	Castle Rising
17.04.2024	10.06.2024 <b>Application Permitted</b>	24/00733/F	59 Hunstanton Road Dersingham King's Lynn Norfolk Alterations and rear extension to detached bungalow and garage	Dersingham
15.03.2024	16.05.2024 <b>Application Permitted</b>	24/00480/F	Kabalin 112A Bexwell Road Downham Market Norfolk Part Retrospective: Proposed covered veranda on rear of garage.	Downham Market
20.03.2024	16.05.2024 <b>Application Permitted</b>	24/00569/F	24 Wimbotsham Road Downham Market Norfolk PE38 9PE Garage Conversion and associated works.	Downham Market
20.03.2024	30.05.2024 <b>Application Refused</b>	24/00570/O	160 Lynn Road Downham Market Norfolk PE38 9QG Outline application with some matters reserved for construction of single-storey dwelling	Downham Market

10.04.2024	16.05.2024 <b>Application Permitted</b>	20/01893/NMAM_2	LiDL 162 Bexwell Road Downham Market Norfolk NON-MATERIAL AMENDMENT TO Planning Permission 20/01893/FM: Erection of a new Lidl food store (Use Class E) with associated car parking and landscaping.	Downham Market
02.05.2024	11.06.2024 <b>Application Permitted</b>	21/00152/NMAM_4	Land S of Denver Hill N of Southern Bypass E of Nightingale Lane Downham Market Norfolk NON-MATERIAL AMENDMENT TO PERMISSION 21/00152/RMM: Up to 300 dwellings and associated infrastructure and access	Downham Market
03.05.2024	14.06.2024 <b>Application Permitted</b>	24/00844/F	36 Masefield Drive Downham Market Norfolk PE38 9TS Single Storey side and rear extension	Downham Market
16.02.2024	07.06.2024 <b>Application Permitted</b>	24/00285/F	Magpie Farm Magpie Farm Road West Bilney KINGS LYNN Proposed replacement dwelling and garage (resubmission)	East Winch
03.04.2024	17.05.2024 <b>Application Permitted</b>	24/00615/F	The Jam Makers Cottage Chapel Lane Emneth WISBECH Replacing front ground floor window and first floor window to a bay window section. The addition of an oriel window to the side elevation.	Emneth

04.04.2024	30.05.2024 <b>Application Permitted</b>	24/00630/F	Essex House 14A Elm High Road Emneth Wisbech Part two storey and part single storey extension to side and rear of dwelling	Emneth
17.04.2024	13.06.2024 <b>Application Permitted</b>	24/00726/F	The Old Vicarage 76 Church Road Emneth Wisbech Proposed removal and replacement of existing brick conservatory with the addition of porch and rear extension.	Emneth
25.03.2024	17.05.2024 <b>Application Permitted</b>	24/00548/F	8 St Johns Way Feltwell Thetford Norfolk Single storey rear extension to existing bungalow.	Feltwell
16.05.2024	10.06.2024 <b>AG Approval Refused</b> <b>Prior</b>	24/00919/AG	Cattle Building At Appleton Farm Appleton Lane West Newton King's Lynn Agricultural Prior Notification: New agricultural building for the separation of cattle.	Flitcham with Appleton
16.05.2024	10.06.2024 <b>AG Notification NOT REQD</b> <b>Prior -</b>	24/00920/AG	Church Farm Docking Road Fring KINGS LYNN Agricultural Prior Notification: The new building will comprise 1 x standard 20ft shipping container and 1 x standard 10ft shipping container. The containers are both modular units containing a biomass boiler system. Each container will be clad externally in locally sourced Larch, with all doors and external walls clad in the rough sawn timber.	Fring (VACANT)

17.01.2024	10.06.2024 <b>Application Permitted</b>	24/00090/F	Ashwood House Drunken Drove Great Massingham King's Lynn Erection of 8 floodlights on 4m posts to arena area	Great Massingham
22.03.2024	23.05.2024 <b>Application Permitted</b>	24/00544/F	Laburnham Cottage 33 Lynn Road Grimston King's Lynn Proposed Single Storey Extension to Dwelling and Construction of Single Storey Residential Annexe	Grimston
23.02.2024	28.05.2024 <b>Application Permitted</b>	24/00417/F	Heacham Junior School College Drive Heacham King's Lynn Extension	Heacham
26.03.2024	04.06.2024 <b>Application Permitted</b>	24/00626/F	Orchard House 66 School Road Heacham King's Lynn Conversion of garage to annexe	Heacham
28.03.2024	28.05.2024 <b>Application Permitted</b>	24/00592/F	15A Collins Lane Heacham King's Lynn Norfolk Single storey extension to existing dwelling	Heacham
28.03.2024	06.06.2024 <b>Application Permitted</b>	24/00603/O	1 Kenwood Road Heacham King's Lynn Norfolk OUTLINE PLANNING PERMISSION WITH ALL MATTERS RESERVED FOR : Demolition of a corrugated iron shed and the erection of a new dwelling with garage.	Heacham
28.03.2024	22.05.2024 <b>Application Permitted</b>	24/00604/F	18 Neville Road Heacham King's Lynn Norfolk Proposed single storey extension to Dwelling	Heacham

03.04.2024	30.05.2024 <b>Application Permitted</b>	24/00700/F	Lantern Cottage Hunstanton Road Heacham King's Lynn Proposed single-storey rear extension to dwelling, conversion of existing integral garage to habitable room, terrace extension, alterations to existing external plastics/windows, and erection of detached car-port in driveway.	Heacham
11.04.2024	10.06.2024 <b>Application Permitted</b>	24/00684/F	Hous'em'ever 41A Station Road Heacham King's Lynn Proposed Two- Storey Side Extension Incorporating Glazed Oak Framed Link	Heacham
16.04.2024	10.06.2024 <b>Application Permitted</b>	24/00713/F	12 School Road Heacham King's Lynn Norfolk Single storey extension to dwelling	Heacham
25.03.2024	21.05.2024 <b>Was Lawful</b>	24/00558/LDE	The Willows Moor Drove Hockwold cum Wilton Thetford Application for a Lawful Development Certificate for the continued occupation of dwelling in excess of 10 years in breach of agricultural occupancy restriction on outline ref: 2/87/0579 condition 5	Hockwold cum Wilton
26.01.2024	14.06.2024 <b>Application Permitted</b>	24/00150/F	Field Beach Road Holme next The Sea Norfolk Excavation of a 60m x 20m landscape scrape in the low corner of field.	Holme next the Sea



22.02.2024	07.06.2024 <b>Application Permitted</b>	24/00328/A	Nationwide Building Society 18 Greevegate Hunstanton Norfolk Advertisement application for 1no. illuminated projecting sign, 2No. illuminated fascia sign, 1no. ATM surround and decals 1no. non-illuminated frosted vinyl, Replace statutory signage with new, Install new safety manifestation to windows.	Hunstanton
27.02.2024	31.05.2024 <b>Would be Lawful</b>	24/00356/LDP	Searles of Hunstanton South Beach Road Hunstanton Norfolk Application for a Lawful Development Certificate for proposed use of land to site 23 static holiday lodges.	Hunstanton
28.03.2024	06.06.2024 <b>Application Permitted</b>	24/00596/F	27 Austin Street Hunstanton Norfolk PE36 6AN Conversion of out building to annexe.	Hunstanton
10.04.2024	04.06.2024 <b>Application Permitted</b>	24/00681/F	22 Clarence Road Hunstanton Norfolk PE36 6HQ Single storey rear extension & alterations to dwelling	Hunstanton
11.04.2024	04.06.2024 <b>Application Permitted</b>	24/00686/F	Hollyoak 6 Manor Close Ingoldisthorpe King's Lynn Extensions of existing garage to provide a workshop and store.	Ingoldisthorpe
02.02.2024	15.05.2024 <b>Application Permitted</b>	24/00188/F	19 Old Sunway King's Lynn Norfolk PE30 1DN Retrospective demolition of an unused and unsafe chimney and not to rebuild	King's Lynn

21.02.2024	23.05.2024 <b>Application Permitted</b>	24/00317/F	6 York Road King's Lynn Norfolk PE30 5RB Rear extension and alterations	King's Lynn
24.02.2024	17.05.2024 <b>Application Permitted</b>	24/00350/CU	10 Blackfriars Road King's Lynn Norfolk PE30 1NR Change of Use from Residential Accommodation C3 to Serviced Accommodation/ Hotel C1 (Retrospective)	King's Lynn
29.02.2024	23.05.2024 <b>Application Refused</b>	24/00434/F	12 South Everard Street King's Lynn Norfolk PE30 5HJ Retrospective re-painting of façade and uPVC windows/door.	King's Lynn
04.03.2024	17.05.2024 <b>Application Permitted</b>	24/00388/F	32-34 Bridge Street King's Lynn Norfolk Replacement / relocation of modern timber external staircase to rear.	King's Lynn
14.03.2024	24.05.2024 <b>Application Permitted</b>	24/00471/LB	The Swan Gayton Road Gaywood King's Lynn Replacement of UPVC windows for new timber sash windows.	King's Lynn
18.03.2024	10.06.2024 <b>Application Permitted</b>	24/00535/F	36 All Saints Street King's Lynn Norfolk PE30 5AD Variation of condition 2 attached to planning permission 17/00247/F: Conversion of existing dwelling into two dwellings.	King's Lynn

21.03.2024	21.05.2024 <b>Application Permitted</b>	24/00527/A	2 Paradise Lane King's Lynn Norfolk PE30 1DX Non-illuminated Installation of black gloss Acrylic lettering signage fixed directly to existing wall render above studio front glazing on the west facing wall of premises.	King's Lynn
28.03.2024	21.05.2024 <b>Application Permitted</b>	24/00591/F	Queen Elizabeth Hospital Gayton Road Queen Elizabeth Hospital Site King's Lynn Installation of surface-level temporary car park, together with associated works, including landscaping and highways to south of Queen Elizabeth Hospital.	King's Lynn
28.03.2024	30.05.2024 <b>Application Permitted</b>	24/00599/F	St Nicholas Retail Park Edward Benefer Way King's Lynn Norfolk Proposal for the installation of four rapid electric vehicle charging stations and ancillary equipment within the car park of St Nicholas Retail Park. Five existing parking spaces will become EV charging bays.	King's Lynn
08.04.2024	28.05.2024 <b>Application Permitted</b>	24/00648/F	Queen Elizabeth Hospital Gayton Road Queen Elizabeth Hospital Site King's Lynn New Modular Two Storey Office decant and associated site works.	King's Lynn

08.04.2024	21.05.2024 <b>Application Permitted</b>	24/00711/F	3 Kings Staithe Square King's Lynn Norfolk PE30 1JE Formation of three new conservation type rooflights to rear of dwelling	King's Lynn
08.04.2024	31.05.2024 <b>Application Permitted</b>	24/00712/LB	3 Kings Staithe Square King's Lynn Norfolk PE30 1JE Internal alterations and formation of rooflights to rear of dwelling	King's Lynn
12.04.2024	04.06.2024 <b>Application Permitted</b>	24/00694/LB	23A Queen Street King's Lynn Norfolk PE30 1HT Alterations and Repairs to Ground Floor Living Room: Repair and restore ceiling. Open up blocked-up fireplace, replace gas fire, hearth and surround. Restore plasterwork and moulding to chimney breast. Repair damp to lower sections of walls.	King's Lynn
17.04.2024	29.05.2024 <b>Application Permitted</b>	24/00734/A	King's Lynn Power Station Willow Road Willows Business Park King's Lynn Sign 1: Free standing single sided totem sign.	King's Lynn
20.04.2024	17.06.2024 <b>Application Permitted</b>	24/00748/F	2 Seathwaite Road King's Lynn Norfolk PE30 3UW Side and rear extensions to dwelling house	King's Lynn
09.05.2024	31.05.2024 <b>Consent Required</b> <b>Not</b>	24/00870/SU	Development Site E of Nar Ouse Way King's Lynn Norfolk Notification: Proposed Distribution GRP Substation	King's Lynn

28.05.2024	18.06.2024 <b>Application Permitted</b>	23/01023/NMAM_1	Chestnut House Hillington Square King's Lynn Norfolk NON-MATERIAL AMENDMENT TO PLANNING PERMISSION 23/01023/FM: Demolition and redevelopment of Providence Street Community Centre and Hillington Square flatted blocks known as Aitken House, Norris House and Chestnut House excluding electrical substation. Development of 65 new dwellings and 1,106 square metres of commercial and community floorspace (Class E and F2) and associated soft landscaping, vehicle and cycle parking, refuse store and associated infrastructure including relocation of electrical substation	King's Lynn
08.11.2023	16.05.2024 <b>Application Refused</b>	23/02006/O	The Lodge 1 Well Hall Lane Ashwicken King's Lynn OUTLINE APPLICATION WITH ALL MATTERS RESERVED: Proposed construction of single detached two storey dwelling	Leziate
13.03.2024	28.05.2024 <b>Application Refused</b>	24/00461/F	Land At E567755 N318771 Holt House Lane Leziate Norfolk New Place of Worship and new vehicular access from Holt House Lane	Leziate

26.03.2024	30.05.2024 <b>Application Permitted</b>	24/00566/F	Highleigh 16 Brow of The Hill Leziate King's Lynn VARIATION OF CONDITION 2 OF PLANNING CONSENT 21/01480/F : Proposed garage/carport (in line with approved cartshed to adjacent property (21/00384/F))	Leziate
22.04.2024	06.06.2024 <b>Application Permitted</b>	24/00776/F	Green Ridge 77 Gayton Road Ashwicken King's Lynn Retention of domestic outbuilding in rear garden	Leziate
24.01.2024	17.05.2024 <b>Application Permitted</b>	24/00127/F	Recreation And Playground SW of 138 Sandringham Avenue Upper Marham Norfolk Proposed refurbishment of existing play park. Planning submitted as some items of equipment may be placed outside existing play park footprint.	Marham
27.03.2024	14.06.2024 <b>Application Permitted</b>	24/00576/F	(Methwold Old Butchers Shop Old Cottage) 25B High Street Methwold Thetford Change of use from vacant butchers shop (class E) to 1-bedroom dwellinghouse (C3) and replace the existing asbestos roof with red tiles	Methwold
23.04.2024	18.06.2024 <b>Was Lawful</b>	24/00767/LDE	54 Hythe Road Methwold Thetford Norfolk APPLICATION FOR LAWFUL DEVELOPMENT CERTIFICATE FOR : Existing vehicular access to residential dwelling	Methwold

07.02.2024	17.05.2024 <b>Prior Approval - Approved</b>	24/00213/PACU3	Land West of Sunset School Road Middleton Notification for Prior Approval: Change of Use of Agricultural Building to one Dwellinghouse (Schedule 2, Part 3, Class Q)	Middleton
27.03.2024	21.05.2024 <b>Application Permitted</b>	24/00580/F	Ye Olde Oak East Winch Road Blackborough End King's Lynn Proposed porch, external rendering, insertion of a new window	Middleton
08.02.2024	13.06.2024 <b>Application Permitted</b>	24/00216/O	Bank View Outwell Road Nordelph DOWNHAM MARKET Outline Application: 1No. infill building plot.	Nordelph
07.11.2023	04.06.2024 <b>Application Permitted</b>	23/01996/F	Formerly The Post Office Forge And Smithy 36 Church Street North Creake Norfolk Change of use of former post office and forge into single dwelling including extension and alteration	North Creake
04.04.2024	04.06.2024 <b>Application Refused</b>	24/00631/F	Palisa Springfield Mill Lane West Winch King's Lynn Side and rear extensions to bungalow	North Runcton
18.03.2024	18.06.2024 <b>Application Permitted</b>	24/00496/F	Lodge Cottage Nursery School Manor Road North Wootton KINGS LYNN Conversion of nursery and flat to dwelling, and construction of 3no. dwellings with garages	North Wootton

25.03.2024	31.05.2024 <b>Application Permitted</b>	24/00549/F	Haylocks Barn 73 West End Northwold Thetford Application to add 2no. Kitchen Windows to match existing windows, 2no. Bathroom Windows to match existing windows, 4no. Ground Floor Skylights. To repaint outside windows off-white from Brown.	Northwold
16.08.2023	28.05.2024 <b>Application Permitted</b>	23/01508/F	Land Adjacent To Bridge House Waterworks Road Old Hunstanton Norfolk VARIATION OF CONDITIONS 2 AND 8 OF PLANNING PERMISSION 22/00092/F: Construction of 2 dwellings and associated works	Old Hunstanton
28.03.2024	12.06.2024 <b>Application Permitted</b>	24/00602/F	Wish Cottage 14 Golf Course Road Old Hunstanton HUNSTANTON Construction of a 1-storey detached dwelling with rooms in the roofspace and detached garage and store with rooms above involving the demolition of existing dwelling	Old Hunstanton



02.04.2024	10.06.2024 <b>Application Permitted</b>	24/00618/F	2 Ashdale Park Old Hunstanton Hunstanton Norfolk Proposed removal of the existing conservatory, the addition of a single storey rear extension, side extension above the existing garage, changing of the existing roof tile, windows, cladding and render, and proposed modernisation of the property.	Old Hunstanton
17.01.2024	21.05.2024 <b>Application Permitted</b>	24/00089/F	Hawthorn Cottage Robbs Lane Outwell WISBECH Change of use of existing B8 (storage) building to equine/stables and proposed access track, domestic manege and hardstanding.	Outwell
21.03.2024	17.05.2024 <b>Application Permitted</b>	24/00530/F	1 Liege Cottages Basin Road Outwell Wisbech Proposed single storey rear extension to dwelling.	Outwell
28.03.2024	04.06.2024 <b>Application Permitted</b>	24/00594/F	54 Pentney Lakes Common Road Pentney KINGS LYNN New garage with bike store, summer house and decking area to a holiday lodge	Pentney
01.03.2024	12.06.2024 <b>Application Permitted</b>	24/00382/F	Land South of 8 Chapel Lane Ringstead HUNSTANTON VARIATION OF CONDITION 2 OF PLANNING PERMISSION 22/01185/F: Erection of 1 x No. two-storey house and garage	Ringstead

05.04.2024	12.06.2024 <b>Application Permitted</b>	24/00639/F	Land South of Chapel Lane Ringstead Norfolk Variation of condition number 2 attached to planning permission: 21/00546/FM: 10 dwelling proposal comprising 6 buildings on a brown field site.	Ringstead
08.04.2024	06.06.2024 <b>Application Permitted</b>	24/00654/F	Lodge Barn 43 Low Road Roydon King's Lynn Proposed Conversion of Garage to Annexe	Roydon
14.02.2024	22.05.2024 <b>Was Lawful</b>	24/00269/LDE	Myosotis Bexwell Road Bexwell DOWNHAM MARKET Application for a Lawful Development Certificate for the existing material operations that have commenced on site prior to date required for implementation of planning permission	Ryston

20.11.2023	12.06.2024 <b>Application Permitted</b>	23/02066/FM	The Sandringham Estate Caravan And Motorhome Club Site Lynn Road Sandringham King's Lynn Extension of the site to create 28 new all-weather touring caravan pitches, 4 premium pitches, 2 new accessible pitches, 12 camping pitches, 15 glamping safari tent pitches and existing pitch improvements. Enlargement and refurbishment of the existing reception building, two new toilet block buildings following demolition of existing, siting of managers accommodation unit and utilities pod and improvements to the internal access road.	Sandringham
25.03.2024	31.05.2024 <b>Application Permitted</b>	24/00550/F	The Coach House Snettisham House St Thomas Lane Snettisham New boundary wall and gates; replacement conservatory; metal fence cover to ASHP	Snettisham
25.03.2024	20.05.2024 <b>Application Permitted</b>	24/00551/LB	The Coach House Snettisham House St Thomas Lane Snettisham New boundary wall and gates; replacement conservatory; metal fence cover to ASHP	Snettisham
11.04.2024	11.06.2024 <b>Application Permitted</b>	24/00687/F	Red Robin House Poppyfields Drive Snettisham King's Lynn Proposed Cart Lodge	Snettisham

22.04.2024	06.06.2024 <b>Application Permitted</b>	24/00779/LB	Evelyn House 2 Pedlars Mews School Road Snettisham Installation of a shower room and toilet	Snettisham
28.03.2024	06.06.2024 <b>Application Permitted</b>	24/00595/F	Three Acres The Common South Creake Fakenham Steel framed agricultural building for the purposes of housing for machinery	South Creake
03.04.2024	07.06.2024 <b>Application Permitted</b>	24/00624/F	19 Avon Road South Wootton King's Lynn Norfolk To renovate and extend the present garage to form a living area and to add an upper floor extension to form a new master bedroom and en-suite	South Wootton
10.04.2024	07.06.2024 <b>Application Permitted</b>	24/00678/F	2 Malvern Close South Wootton King's Lynn Norfolk Proposed dormers including internal and external alterations.	South Wootton
20.04.2024	10.06.2024 <b>Application Permitted</b>	24/00750/F	28 Barsham Drive South Wootton King's Lynn Norfolk PROPOSED NEW RESIDENTIAL EXTENSION AND INTERNAL ALTERATIONS	South Wootton
29.01.2024	10.06.2024 <b>Application Permitted</b>	24/00161/F	The Old Rectory 3 Churchgate Street Southery Downham Market Full planning permission for a detached 5-bedroom dwellinghouse, garaging, new access drive, hedging/ trees, retaining wall	Southery

09.04.2024	20.05.2024 <b>Application Permitted</b>	24/00666/F	62 Lynn Road Southery Downham Market Norfolk Demolition & replacement of lean-to utility and poorly constructed brick conservatory with single storey rear extension.	Southery
12.04.2024	04.06.2024 <b>Application Permitted</b>	24/00695/RM	Land Between 41 And 45 Low Road Low Road Stow Bridge KINGS LYNN Reserved Matters: Construction of one dwelling and garage.	Stow Bardolph
22.04.2024	14.06.2024 <b>Application Permitted</b>	24/00754/F	Sun Flower Lodge 66 The Drove Barroway Drove DOWNHAM MARKET Construction of a Car Port.	Stow Bardolph
01.09.2023	07.06.2024 <b>Application Refused</b>	23/01603/F	21 The Broadlands The Street Syderstone KINGS LYNN Proposed Single Storey Extension to Rear to provide accommodation for disabled son	Syderstone
07.06.2024	10.06.2024 <b>Application Refused</b>	21/00487/NMA_1	Dove Cottage 4 Docking Road Syderstone KINGS LYNN NON-MATERIAL AMENDMENT to Planning Permission 21/00487/F: Rear single storey extension, Side 2 storey extension, porch and new Cartshed	Syderstone
13.12.2023	30.05.2024 <b>Application Refused</b>	23/02223/F	Building And Land SE of The Poplars The Poplars Long Road Terrington St Clement Camping site with touring caravans and tents	Terrington St Clement

26.02.2024	16.05.2024 <b>Application Permitted</b>	24/00352/F	43 Churchgate Way Terrington St Clement King's Lynn Norfolk First floor extension to existing dwelling	Terrington St Clement
19.03.2024	20.05.2024 <b>Application Permitted</b>	24/00506/F	Church Farm House 100 Churchgate Way Terrington St Clement KINGS LYNN Variation of condition numbers 2, 7 and 11 attached to planning permission 22/00945/F: Conversion and change of use of detached Barn structure to a Residential Dwelling.	Terrington St Clement
01.05.2024	30.05.2024 <b>Application Permitted</b>	22/00153/NMA_1	Plot 1 South of 148 School Road Terrington St John Norfolk PE14 7SG NON-MATERIAL AMENDMENT to Planning Permisison - 22/00153/F - Construction of 2 number self build dwellings	Terrington St John
24.05.2024	18.06.2024 <b>Application Permitted</b>	22/00071/NMA_3	6 Pastures Court Thornham HUNSTANTON Norfolk NON-MATERIAL AMENDMENT TO APPLICATION: REMOVAL OR VARIATION OF CONDITIONS 1, 2, 4, 7, 8, 9, 11, 12, 13, 14, 15, 17 AND 19 OF PLANNING PERMISSION 21/00321/F.	Thornham

10.04.2024	23.05.2024 <b>Would be Lawful</b>	24/00680/LDP	Tilney St Lawrence County Primary School School Road Tilney St Lawrence King's Lynn Application for a Lawful Development Certificate for the proposed demolition of existing detached classroom block and construction of a replacement classroom block of similar proportions and material finishes	Tilney St Lawrence
19.03.2024	28.05.2024 <b>Application Permitted</b>	24/00508/CU	In Focus May Cottage Main Road Titchwell Change of use of retail space to self contained holiday let unit	Titchwell
29.02.2024	31.05.2024 <b>Application Permitted</b>	24/00374/F	12 Tointons Road Upwell Wisbech Norfolk Two storey rear extension.	Upwell
18.03.2024	16.05.2024 <b>Prior Approval - Approved</b>	24/00500/PACU3	Barn To Rear of 101 Croft Road Upwell Norfolk Notification for Prior Approval for change of use of agricultural building to dwelling (Schedule 2, Part 3, Class Q)	Upwell
27.03.2024	30.05.2024 <b>Application Permitted</b>	24/00567/F	26 Dovecote Road Upwell Wisbech Norfolk Single storey rear extension	Upwell
04.03.2024	30.05.2024 <b>Application Permitted</b>	24/00448/F	Anfield School Road Walpole Highway Wisbech Single Storey rear/side extension and alterations to dwelling and formation of new access.	Walpole Highway

16.04.2024	28.05.2024 <b>Application Permitted</b>	24/00760/F	Fountain Business Park Grassgate Lane Walsoken Norfolk VARIATION OF CONDITION 1 OF PLANNING CONSENT 23/01839/F : VARIATION OF CONDITIONS 1 AND 4 OF PERMISSION 19/00812/RMM: Reserved Matters Application, Industrial Units	Walsoken
23.05.2024	18.06.2024 <b>AG Prior Notification NOT REQD</b>	24/00961/AG	Land Adjacent To Floral Farm Osborne Road Walsoken Norfolk Agricultural Prior Notification: Proposed portal frame agricultural shed finished with covered canopy	Walsoken
16.02.2024	16.05.2024 <b>Application Permitted</b>	24/00291/F	Land Accessed Via 32 And W of 24 To 36 But E of Fairfield Lane Downham Road Watlington Norfolk Variation of Condition 19 attached to Planning Permission 20/01661/OM: Residential development for up to 22 dwellings (Outline application including access only)	Watlington
15.03.2024	21.05.2024 <b>Would be Lawful</b>	24/00472/LDP	Land And Building E of Willow Lodge Ryston Road West Dereham Norfolk Lawful Development Certificate: Mobile Home on site to use as agricultural storage and welfare room.	West Dereham



31.05.2024	11.06.2024 <b>Application Permitted</b>	21/01923/NMA_2	Homefields Basil Road West Dereham King's Lynn NON-MATERIAL AMENDMENT TO PLANNING PERMISSION 21/01923/F : APPLICATION FOR VARIATION OF CONDITION 2 ATTACHED TO PLANNING PERMISSION 12/01720/F: Demolition of existing bungalow and associated ancillary outbuildings and the construction of one detached dwelling and garage	West Dereham
20.03.2024	22.05.2024 <b>Application Permitted</b>	24/00522/F	26 Spencer Close West Walton Wisbech Norfolk Proposed extension to bungalow	West Walton
30.04.2024	20.05.2024 <b>Application Permitted</b>	18/01421/NMAM_9	Land To South of The Poplars Lynn Road Walton Highway Norfolk NON-MATERIAL AMENDMENT to Planning Permission 18/01421/RMM: Construction of 25 dwellings. plot 10 only, change of brick.	West Walton
13.05.2024	04.06.2024 <b>Application Permitted</b>	18/01421/NMAM11	Land To South of The Poplars Lynn Road Walton Highway Norfolk NON-MATERIAL AMENDMENT TO PLANNING PERMISSION 18/01421/RMM: Reserved Matters Application: Construction of 25 dwellings	West Walton

15.02.2024	24.05.2024 <b>Application Permitted</b>	20/00303/NMAM_1	Deerfields Lynn Road Setchey KINGS LYNN NON-MATERIAL AMENDMENT TO PLANNING PERMISSION 20/00303/FM: Change of use of existing grain store barn and site to warehouse and external storage of products for sale and dispatch. New entrance to highway created. Over-cladding of existing fibre cement panels, new mezzanine floor, internal offices and warehouse storage	West Winch
16.04.2024	04.06.2024 <b>Application Permitted</b>	24/00718/F	Pine Cottage 23 Stow Road Wiggenhall St Mary Magdalen King's Lynn Front and rear extension to existing dwelling	Wiggenhall St Mary Magdalen
08.06.2023	17.05.2024 <b>Application Permitted</b>	21/01121/NMAM_1	Land NE of 7 To 11 Bridle Lane Downham Market Norfolk NON-MATERIAL AMENDMENT to Planning Permission 21/01121/RMM: Reserved Matters Application for layout, scale, appearance and landscaping for the erection of 226 dwellings and associated works and infrastructure.	Wimbotsham