

Development Management Committee

Agenda

Members of the Development Management Committee:

Cllr V Thomson (Chairman)	Cllr T Holden
Cllr L Neal (Vice Chairman)	Cllr C Hudson
Cllr D Bills	Cllr T Laidlaw
Cllr F Ellis	Cllr G Minshull
Cllr J Halls	

Date & Time:

Wednesday 11 January 2023
10.00am

Place:

Council Chamber Thorpe Lodge, 1 Yarmouth Road, Thorpe St Andrew, Norwich, NR7 0DU

Contact:

Leah Arthurton tel (01508) 533610
Email: committee.snc@southnorfolkandbroadland.gov.uk
Website: www.southnorfolkandbroadland.gov.uk

PUBLIC ATTENDANCE / PUBLIC SPEAKING

This meeting will be live streamed for public viewing via the following link:

<https://www.youtube.com/channel/UCZciRgwo84-iPyRImsTCIng>

If a member of the public would like to observe the meeting in person, or speak on an agenda item, please email your request to committee.snc@southnorfolkandbroadland.gov.uk, no later than **5.00pm** on **Friday 6 January 2023**

Large print version can be made available

If you have any special requirements in order to attend this meeting, please let us know in advance.

AGENDA

1. To report apologies for absence and to identify substitute members;
2. To deal with any items of business the Chairman decides should be considered as matters of urgency pursuant to Section 100B (4) (b) of the Local Government Act, 1972; [Urgent business may only be taken if, "by reason of special circumstances" (which will be recorded in the minutes), the Chairman of the meeting is of the opinion that the item should be considered as a matter of urgency.]
3. To receive Declarations of interest from Members;
(Please see guidance form and flow chart attached – page 5)
4. Minutes of the Meeting of the Development Management Committee held on Wednesday 14 December 2022;
(attached – page 7)
5. Planning Applications and Other Development Control Matters;
(attached – page 23)

To consider the items as listed below:

Item No.	Planning RefNo.	Parish	Site Address	Page No.
1	2022/0867	SWARDESTON	Land east of Main Road, Swardeston, Norfolk	23
2	2022/2106	YELVERTON	Land east of The Bungalow, Loddon Road, Yelverton	36
3	2020/8033	SUTON	Land at Plots 1-8 south east side of London Road (Hollyoaks)	54

Updates received after publication of this agenda relating to any application to be considered at this meeting will be published on our website:

<https://www.southnorfolkandbroadland.gov.uk/south-norfolk-committee-meetings/south-norfolk-council-development-management-planning-committee>

6. Sites Sub-Committee;

Please note that the Sub-Committee will only meet if a site visit is agreed by the Committee with the date and membership to be confirmed.

7. Planning Appeals (for information); (attached – page 71)
8. Date of next scheduled meeting- Wednesday 8 February 2023

GUIDELINES FOR DETERMINING THE NEED TO VISIT AN APPLICATION SITE

The following guidelines are to assist Members to assess whether a Site Panel visit is required. Site visits may be appropriate where:

- (i) The particular details of a proposal are complex and/or the intended site layout or relationships between site boundaries/existing buildings are difficult to envisage other than by site assessment;
- (ii) The impacts of new proposals on neighbour amenity e.g. shadowing, loss of light, physical impact of structure, visual amenity, adjacent land uses, wider landscape impacts can only be fully appreciated by site assessment/access to adjacent land uses/property;
- (iii) The material planning considerations raised are finely balanced and Member assessment and judgement can only be concluded by assessing the issues directly on site;
- (iv) It is expedient in the interests of local decision making to demonstrate that all aspects of a proposal have been considered on site.

Members should appreciate that site visits will not be appropriate in those cases where matters of fundamental planning policy are involved and there are no significant other material considerations to take into account. Equally, where an observer might feel that a site visit would be called for under any of the above criteria, members may decide it is unnecessary, e.g. because of their existing familiarity with the site or its environs or because, in their opinion, judgement can be adequately made on the basis of the written, visual and oral material before the Committee.

2. PUBLIC SPEAKING: PLANNING APPLICATIONS

Applications will normally be considered in the order in which they appear on the agenda. Each application will be presented in the following way:

- Initial presentation by planning officers followed by representations from:
- The **town** or **parish council** - up to 5 minutes for member(s) or clerk;
- **Objector(s)** - any number of speakers, up to 5 minutes **in total**;
- The **applicant**, or **agent** or any **supporters** - any number of speakers up to 5 minutes **in total**;
- **Local member**
- Member consideration/decision.

MICROPHONES: The Chairman will invite you to speak. An officer will ensure that you are no longer on mute so that the Committee can hear you speak.

WHAT CAN I SAY AT THE MEETING? Please try to be brief and to the point. Limit your views to the planning application and relevant planning issues, for example: Planning policy, (conflict with policies in the Local Plan/Structure Plan, government guidance and planning case law), including previous decisions of the Council, design, appearance and layout, possible loss of light or overshadowing, noise disturbance and smell nuisance, impact on residential and visual amenity, highway safety and traffic issues, impact on trees/conservation area/listed buildings/environmental or nature conservation issues.

PLANNING APPLICATIONS AND OTHER DEVELOPMENT CONTROL MATTERS

Key to letters included within application reference number to identify application type – e.g. 07/96/3000/A – application for consent to display an advert

A - Advert	G - Proposal by Government Department
AD - Certificate of Alternative Development	H - Householder – Full application relating to residential property
AGF - Agricultural Determination – approval of details	HZ - Hazardous Substance
C - Application to be determined by County Council	LB - Listed Building
CA - Conservation Area	LE - Certificate of Lawful Existing development
CU - Change of Use	LP - Certificate of Lawful Proposed development
D - Reserved Matters (Detail following outline consent)	O - Outline (details reserved for later)
EA - Environmental Impact Assessment – Screening Opinion	RVC - Removal/Variation of Condition
ES - Environmental Impact Assessment – Scoping Opinion	SU - Proposal by Statutory Undertaker
F - Full (details included)	TPO - Tree Preservation Order application

Key to abbreviations used in Recommendations

CNDP - Cringleford Neighbourhood Development Plan

J.C.S - Joint Core Strategy

LSAAP - Long Stratton Area Action Plan – Pre-Submission

N.P.P.F - National Planning Policy Framework

P.D. - Permitted Development – buildings and works which do not normally require planning permission. (The effect of the condition is to require planning permission for the buildings and works specified)

S.N.L.P - South Norfolk Local Plan 2015

Site Specific Allocations and Policies Document

Development Management Policies Document

WAAP - Wymondham Area Action Plan

DECLARATIONS OF INTEREST AT MEETINGS

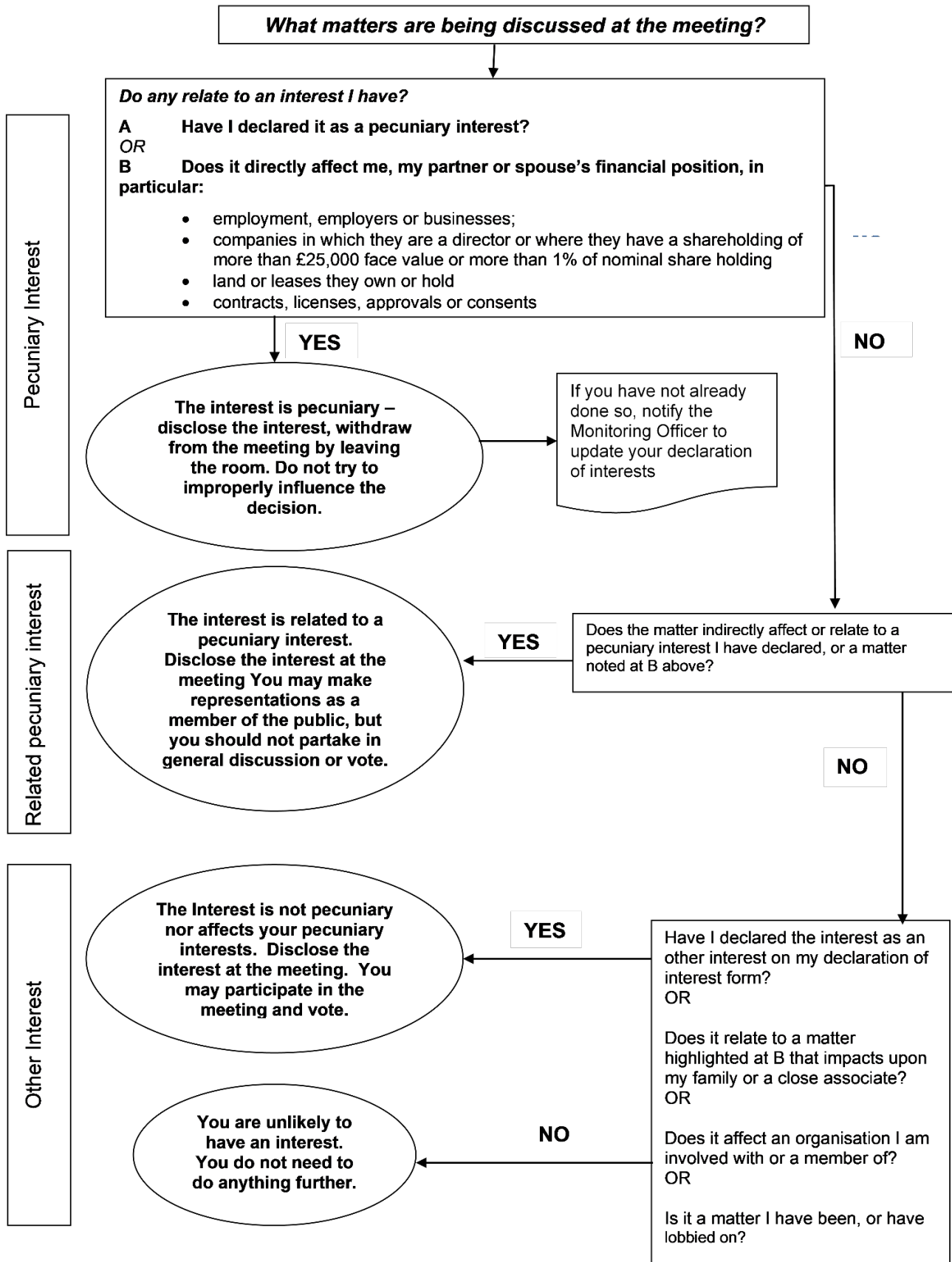
When declaring an interest at a meeting Members are asked to indicate whether their interest in the matter is pecuniary, or if the matter relates to, or affects a pecuniary interest they have, or if it is another type of interest. Members are required to identify the nature of the interest and the agenda item to which it relates. In the case of other interests, the member may speak and vote. If it is a pecuniary interest, the member must withdraw from the meeting when it is discussed. If it affects or relates to a pecuniary interest the member has, they have the right to make representations to the meeting as a member of the public but must then withdraw from the meeting. Members are also requested when appropriate to make any declarations under the Code of Practice on Planning and Judicial matters.

<p>Have you declared the interest in the register of interests as a pecuniary interest? If Yes, you will need to withdraw from the room when it is discussed.</p>
<p>Does the interest directly:</p> <ol style="list-style-type: none"> 1. affect yours, or your spouse / partner's financial position? 2. relate to the determining of any approval, consent, licence, permission or registration in relation to you or your spouse / partner? 3. Relate to a contract you, or your spouse / partner have with the Council 4. Affect land you or your spouse / partner own 5. Affect a company that you or your partner own, or have a shareholding <p>If the answer is "yes" to any of the above, it is likely to be pecuniary.</p> <p>Please refer to the guidance given on declaring pecuniary interests in the register of interest forms. If you have a pecuniary interest, you will need to inform the meeting and then withdraw from the room when it is discussed. If it has not been previously declared, you will also need to notify the Monitoring Officer within 28 days.</p>
<p>Does the interest indirectly affect or relate any pecuniary interest you have already declared, or an interest you have identified at 1-5 above?</p> <p>If yes, you need to inform the meeting. When it is discussed, you will have the right to make representations to the meeting as a member of the public, but you should not partake in general discussion or vote.</p>
<p>Is the interest not related to any of the above? If so, it is likely to be an other interest. You will need to declare the interest, but may participate in discussion and voting on the item.</p>
<p>Have you made any statements or undertaken any actions that would indicate that you have a closed mind on a matter under discussion? If so, you may be predetermined on the issue; you will need to inform the meeting, and when it is discussed, you will have the right to make representations to the meeting as a member of the public, but must then withdraw from the meeting.</p>

FOR GUIDANCE REFER TO THE FLOWCHART OVERLEAF.

PLEASE REFER ANY QUERIES TO THE MONITORING OFFICER IN THE FIRST INSTANCE

DECLARING INTERESTS FLOWCHART – QUESTIONS TO ASK YOURSELF



Agenda Item 4

DEVELOPMENT MANAGEMENT COMMITTEE

Minutes of a meeting of the Development Management Committee of South Norfolk District Council, held on 14 December 2022 at 10am.

Committee Members Present: Councillors: V Thomson (Chairman), D Bills, J Easter (for items 1,2,4,5,6,7,8,10&11), J Halls, T Holden , C Hudson, T Laidlaw, L Neal (Items 1,2,3,4,5,6,7,8,9&10) and G Minshull (Items 1,2,3,4,5,6,7,8,9&10).

Apologies for Absence: Councillor: F Ellis (with Cllr J Easter appointed substitute)

Officers in Attendance: The Development Manager (T Lincoln) and the Area Planning Managers (C Curtis, C Raine & C Watts), the Principal Planning Officers (A Martin, S Jones, P Kerrison & T Barker) and the Democratic Services Officer (L Arthurton)

29 members of the public were also in attendance

641 APOLOGIES

Apologies were received from Cllr F Ellis (with Cllr J Easter appointed substitute).

642 DECLARATIONS OF INTEREST

Application	Parish	Councillor	Declaration
2021/1034 2021/1035 2021/1036 2021/1037/D (Items: 1, 2 3,4 & 5)	KESWICK AND INTWOOD	All	Local Planning Code of Practice Lobbied by an Objector
		D Bills	Other Interest County Councillor Covering Keswick and Intwood and was

			present at discussions regarding road provisions.
2022/0067/F (Item 7)	REDENHALL WITH HARLESTON	All	Local Planning Code of Practice Lobbied by the Applicant
2022/1435/F (Item 8)	BRAMERTON	V Thomson	Other interest Local Member for Bramerton
2022/1108/F (Item 9)	BRESSINGHAM	All J Easter	Local Planning Code of Practice Lobbied by the Objectors Other Interest As Local Member, Cllr Easter chose to step down from the Committee and speak solely as Local Member on the application
2022/0803/F (Item 10)	REDENHALL WITH HARLESTON	C Hudson	Other interest Known to the applicant.
2022/1532/F (Item 11)	CRINGLEFORD	L Neal & G Minshull	Local Planning Code of Practice As a Cabinet Members, Cllr Neal and Minshull left the room while this application was considered

643 MINUTES

The minutes of the meeting of the Development Management Committee held on 16 November 2022 were confirmed as a correct record.

644 PLANNING APPLICATIONS AND OTHER DEVELOPMENT CONTROL MATTERS

The Committee considered the report (circulated) of the Director of Place, which was presented by the officers. The Committee received updates to the report, which are appended to these minutes at Appendix A.

The following speakers addressed the meeting with regard to the applications listed below.

Application	Parish	Speakers
2021/1034 2021/1035 2021/1036 2021/1037/D	KESWICK AND INTWOOD	N Perryman – Agent Cllr W Kemp – Local Member
2022/0276/O	CHEDGRAVE	C Gould – Parish Council C Boyd – Objector M Rooke – Agent
2022/0067/F	REDENHALL WITH HARLESTON	Redenhall with Harleston Town Council (written representation) R Martin – Applicant J Bootman – Applicant
2022/1435/F	BRAMERTON	S Meadows – Objector
2022/1108/F	BRESSINGHAM	A McMurray – Parish Council S Butler – Objector Cllr J Easter – Local Member
2022/0803/F	REDENHALL WITH HARLESTON	J Venning – Agent R Vincent – Applicant

The Committee made the decisions indicated in Appendix B of the minutes, conditions of approval or reasons for refusal of planning permission as determined by the Committee being in summary form only and subject to the final determination of the Director of Place.

645 PLANNING APPEALS

The Committee noted the planning appeals.

(The meeting concluded at 15:16pm)

Chairman

Updates for DEVELOPMENT MANAGEMENT COMMITTEE
– 14 December 2022

Item	Updates	Page No
Item 1 : 2020/8033	ITEM DEFERRED	20
Items - 2, 3, 4 and 5: 2021/1034, 2021/1035, 2021/1036 and 2021/1037	<p>Lobbying letter which has been circulated to all members.</p> <p>An additional letter of objection:</p> <ul style="list-style-type: none"> • Note that these applications will again be returned to committee next week and feel it necessary to again raise the concerns shared by the residents of Keswick around the nature of this development and its likely impact on the safety of Low Road for pedestrians, cyclists and horse riders. • Consider it necessary to highlight that the world has changed significantly since 2017. • Can understand that any approved planning application made at that time would need to be honoured, it is appropriate that all new applications (or in this case radical changes to the old applications), must be reviewed in the context of how the public live, work and express their leisure time in 2022. • Today South Norfolk residents, whose interests you represent, work from home, they want to be able to walk their children to school in safety and enjoy the South Norfolk countryside on foot or by bicycle. • Despite the conclusions of the recent committee meeting, I would suggest that these “new” applications, as now being considered, no longer accord with the original planning application. • As a resident of Keswick the safety of Low Road is paramount. Whilst I understand that there is a requirement for a “traffic management system” as part of the conditions, it is hard for us to trust in a system which has allowed for such a radical change in the nature of this development to occur iteratively 	34, 55, 75, 94

	<p>and “by stealth”, and which has continued to fail to advise what such a traffic management system for Low Road might look like.</p> <ul style="list-style-type: none"> • However the bigger picture here still must remain; do we need a development of this nature at all? • What does it contribute to the local environment, to society or to the economy? (I would suggest not) • Does it bring employment on the scale previously implied by the developer? • (certainly not) • Does it help conserve natural habitat or support economic prosperity for local firms? (sadly not) • The ongoing changes requested by this developer continue to make this development irrelevant in 2022. • It fails to offer present a raison d’etre and as such I would argue that those councillors reviewing the case need to look up and consider the bigger picture. • This is not an argument about the finer details of whether or not reserved matters have been discharged or whether the changes requested are legal, but rather a more important argument about whether the plans being considered at this time are what South Norfolk wants or needs. 	
<p>Item - 6 2022/0276</p>	<p>Natural England have provided comments and have raised no objection subject to the appropriate mitigation measures.</p> <p>Following the comments received from NHS in relation to health care provision as referenced in paragraph 4.8 and 5.42 of the committee report, further discussions have taken place with the applicant and it is agreed that a development management based argument can be made that a health related impact would occur and thereby they will pay the health care contribution as stated in the NHS consultation response and that this will be secured as part of the Section 106 Agreement.</p> <p>Note that the applicant is ESCO Developments and M, A and D Hutton, C/O Brown and Co</p>	<p>114</p>

	It has been noted that the NPPF quotes provided at paragraphs 5.4, 5.14, 5.16 and 5.57 of the committee report are not from the most recent, 2021 iteration of the NPPF. Notwithstanding this, the quotations remain consistent with the general spirit of the current NPPF, and as such their reference does not alter or effect the assessment or change the officers recommendation.	
Item - 7 2022/0067	It has been noted that the NPPF quotes provided at paragraphs 5.3, 5.13, 5.15, and 5.98 of the committee report are not from the most recent, 2021 iteration of the NPPF. Notwithstanding this, the quotations remain consistent with the general spirit of the current NPPF, and as such their reference does not alter or effect the assessment or change the officers recommendation.	138
Item - 8 2022/1435	No Updates	172
Item - 9 2022/1108	<p>Update to report:</p> <p>Paragraphs 5.8 and 5.98 should include reference to the proposed carbon capture and storage facility which will enable capture of carbon dioxide from the process and its liquefaction which will enable it be to be used in industries such as the food and drink industry which is another benefit of the scheme. However, the conclusion in paragraph 5.101 that the adverse impacts identified outweigh the benefits remains the same.</p> <p>Additional comments from Natural England:</p> <p>Advise that the Technical Addendum submitted addresses the issues previously raised as it indicates that use of an annual mass of waste types of 23,950 tonnes per annum results in process contribution values of less than 1% at statutory designated wildlife sites.</p> <p>Officer comments: Noted and therefore we are not proposing any further reasons for refusal relating to impacts on air quality in the recommendation</p> <p>2 additional representations objecting to the application:</p>	186

	Further comments relating to the unsuitability of the local highway network to accommodate the development.	
Item - 10 2022/0803	Additional Conditions (carried over from previous permission as still unresolved) : 1) external lighting - due to rural area / Amenity 2) Surface Water 3) Foul Water 4) Contamination during construction – site visit this week highlighted this is still relevant as building is unfinished.	226
Item - 11 2022/1532	Response from LLFA requires additional information. Recommendation still stands to allow for resolution of this matter. Additional plan showing tree protection has been submitted– the relevant condition will now be implementation only and will no longer need to require details to be submitted.	234

PLANNING APPLICATIONS AND OTHER DEVELOPMENT CONTROL MATTERS**NOTE:**

Conditions of approval or reasons for refusal of planning permission as determined by the Committee are in summary form only and subject to the Director of Place's final determination.

Enforcement Report

- | | | | |
|-----------|-----------------|----------|---|
| 1. | Appl. No | : | 2020/8033 |
| | Parish | : | SUTON |
| | Site Address | : | Land at: Plots 1-8 south east side of London Road (Hollyoaks) |
| | Breach | : | Non-compliance with Enforcement Notice (material change of use) |
| | Developers | : | Occupiers of the site represented by TMA |
| | Decision | : | DEFERRED PRIOR TO COMMITTEE |

Major Applications

- | | | | |
|-----------|------------------|----------|---|
| 2. | Appl. No | : | 2021/1034 |
| | Parish | : | KESWICK AND INTWOOD |
| | Applicant's Name | : | Norwich Apex Limited |
| | Site Address | : | Land West of Ipswich Road Keswick Norfolk |
| | Proposal | : | Reserved matters for the details of appearance, layout, scale and landscaping of the second phase (Phase 2) of the development comprising the construction of Units 5-7 (Use Classes B2/B8) and ancillary development of the scheme granted outline consent under application reference 2017/2794. In addition, discharge of Condition 8 (Units 5-7 only), Condition 9 (Units 5-7 only) and Condition 23 (Units 5-7 only) of the outline planning permission. |

Decision	:	Members voted unanimously for approval
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Approved with conditions

- 1 In accordance with outline consent
- 2 In accordance with submitted plans
- 3 Materials to accord with submitted details
- 4 Lighting design strategy for biodiversity

Confirmation of partial discharge of conditions 8, 9 and 23

3. **Appl. No** : **2021/1035**
Parish : **KESWICK AND INTWOOD**
Applicant's Name : Norwich Apex Limited
Site Address : Land West of Ipswich Road Keswick Norfolk
Proposal : Reserved matters for the details of appearance, layout, scale and landscaping of the third phase (Phase 3) of the development comprising the construction of Unit 2 - builders merchant (Use Class B8 plus ancillary trade counter) and associated development of the scheme granted outline consent under application reference 2017/2794. In addition, discharge of Condition 8 (Unit 2 only), Condition 9 (Unit 2 only) and Condition 23 (Unit 2 only) of the outline planning permission.
- Decision** : Members voted unanimously for approval
- Approved with conditions
- 1 In accordance with outline consent
 - 2 In accordance with submitted plans
 - 3 Materials to accord with submitted details
 - 4 Lighting design strategy for biodiversity
- Confirmation of partial discharge of conditions 8, 9 and 23.
4. **Appl. No** : **2021/1036**
Parish : **KESWICK AND INTWOOD**
Applicant's Name : Norwich Apex Limited
Site Address : Land West of Ipswich Road Keswick Norfolk
Proposal : Reserved matters for the details of appearance, layout, scale and landscaping of the fourth phase (Phase 4) of the development comprising the construction of Units 8-10 (Use Classes B2/B8) and associated development of the scheme granted outline consent under application reference 2017/2794. In addition, discharge of Condition 8 (Units 8-10 only), Condition 9 (Units 8-10 only) and Condition 23 (Units 8-10 only) of the outline planning permission
- Decision** : Members voted unanimously for approval
- Approved with conditions
- 1 In accordance with outline consent
 - 2 In accordance with submitted plans
 - 3 Materials to accord with submitted details
 - 4 Lighting design strategy for biodiversity
- Confirmation of partial discharge of conditions 8, 9 and 23

5. **Appl. No** : **2021/1037/D**
Parish : **KESWICK AND INTWOOD**
Applicant's Name : Norwich Apex Limited
Site Address : Land West of Ipswich Road Keswick Norfolk
Proposal : Reserved matters for the details of appearance, layout, scale and landscaping of the fifth phase (Phase 5) of the development comprising the construction of Units 3-4 (Use Classes B2/B8) and associated development of the scheme granted outline consent under application reference 2017/2794. In addition, discharge of Condition 8 (Units 3-4 only), Condition 9 (Units 3-4 only) and Condition 23 (Units 3-4 only) of the outline planning permission.
- Decision : Members voted unanimously for approval
- Approved with conditions
- 1 In accordance with outline consent
 - 2 In accordance with submitted plans
 - 3 Materials to accord with submitted details
 - 4 Lighting design strategy for biodiversity
- Confirmation of partial discharge of conditions 8, 9 and 23

6. **Appl. No** : **2022/0276/O**
Parish : **CHEDGRAVE**
Applicant's Name : Ms Amber Slater
Site Address : Land East Of Langley Road Chedgrave Norfolk
Proposal : Outline planning permission for 76 dwellings, with all matters reserved except for access
- Decision** : Members voted 8-0 with one abstention to Authorise the Assistant Director (Planning) to approve with conditions subject to Section 106 and there being no objection received from Natural England
1. Time Limit - Outline
 2. In accordance with submitted drawings
 3. Submission of reserved matters
 4. SHC 01- detailed plans of the roads, footways, foul and surface water drainage
 5. SHC 02 -compliance
 6. SHC 03A – compliance
 7. SHC 17 – visibility splays
 8. SHC 23 - provision for on-site parking for construction workers
 9. SHC 24A - Construction Traffic Management Plan
 10. SHC 33A - off-site highway improvement
 11. SHC 33B – compliance
 12. Construction Environmental Management Plan
 13. Lighting for biodiversity
 14. Ecological design strategy
 15. Tree protection
 16. Details of Landscaping
 17. Landscape management plan
 18. Surface water drainage
 19. Finished floor levels
 20. Water efficiency
 21. Foul drainage to mains
 22. Contamination during construction
 23. Renewable energy
 24. Site levels to be agreed at reserved matters stage

7. **Appl. No** : **2022/0067/F**
Parish : **REDENHALL WITH HARLESTON**
Applicant's Name : M Scott Properties Ltd and Saffron Housing Trust
Site Address : Land to the east of Mendham Lane Harleston Norfolk
Proposal : Proposed planning application for 354 residential dwellings, 91 extra care apartments, 16 extra care bungalows, public open space, allotments and 1.61ha of land for community use together with associated site infrastructure, demolition of existing agricultural buildings.
- Decision** : Members voted unanimously to authorise the Assistant Director of Planning to approve subject to conditions, a S.106, and there being no substantive comments received from Natural England.
1. Time Limit - Full Permission
 2. In accordance with submitted drawings
 3. Surface water drainage scheme
 4. Foul water drainage scheme
 5. Detailed highway plans
 6. Compliance with highway works approved
 7. Completion of highway works to binder course surfacing prior to first occupation
 8. Compliance with approved access and permanent closure of existing accesses with re-instatement of footpath/highway verge
 9. Scheme for construction parking
 10. Construction Traffic Management Plan
 11. Off-site highway improvement works
 12. Lighting Design Strategy
 13. Construction Environment Management Plan for Biodiversity
 14. Landscape and Ecological Management Plan
 15. Contamination investigation and risk assessment
 16. Unidentified contamination
 17. Contamination – Imported material
 18. Noise mitigation
 19. Reversing alarms
 20. Construction Management Plan
 21. Archaeology WSI (C)
 22. Compliance with WSI
 23. Written Scheme Investigation post investigation assessment
 24. Renewable energy
 25. Water efficiency
 26. Materials
 27. Landscaping scheme, including boundary treatments and site levels
 28. Landscaping scheme implementation
 29. Compliance with AIA, including TPP and AMS

- 30. Removal of PD rights for gates, fences, walls or other means of enclosure
- 31. Biodiversity mitigation and enhancement measures in accordance with submitted PEA and BNG report

Other Application

8. **Appl. No** : **2022/1435/F**
Parish : **BRAMERTON**
 Applicant's Name : Balmforth
 Site Address : The Homestead The Street Bramerton NR14 7DW
 Proposal : Removal of existing dwelling and replacement single storey dwelling.
 .
 Decision : Members voted unanimously to approve

Approved with Conditions

- 1 Time limit – full permission
- 2 In accordance with submitted drawings
- 3 No means of obstruction within the access
- 4 Parking
- 5 No PD for fences, walls or other means of enclosure
- 6 No PD for Classes A, B, C, D & E
- 7 Water efficiency
- 8 Boundary treatments to be agreed
- 9 Landscaping scheme including tree and hedgerows
- 10 Visibility splays
- 11 Driveway
- 12 Vehicular access
- 13 External materials to be agreed
- 14 PD rights removed for roof additions and alterations
- 15 Development in accordance with AIA and tree protection
- 16 External lighting
- 17 Ecology/Biodiversity mitigation on site in accordance with Great Crested Newt and Bat Survey Report recommendations

Major Application

9. **Appl. No** : **2022/1108/F**
 Parish : **BRESSINGHAM**
 Applicant's Name : Balmforth
 Site Address : Deal Farm, Kenninghall Road, Bressingham
 Proposal : Construction of an Anaerobic Digestion facility (part retrospective), comprising: 1 no. digester tank and 1 no. secondary digester/digestate storage tank, silage clamps, liquid and dry feed system; digestate separation, handling and pasteurization, biogas upgrading and mains gas-grid connection; carbon capture, CHP, agricultural building; office buildings, weighbridge, 2 no. covered digestate storage lagoons, and associated plant, vehicular accesses, roads and landscaping (including earth bunds). Revised application following withdrawn planning application 2021/2788.
- Decision : .
- Members voted 8-0 to refuse
- Refused
- 1 Inadequate highway network
2 Insufficient transport information
3 Impact on landscape
4 Thereby contrary to DM4.1

Other Application

10. Appl. No : **2022/0803/F**
Parish : **REDENHALL WITH HARLESTON**
Applicant's Name : Mr Robert Vincent
Site Address : Halfway Garage, Mendham Lane, Harleston, IP20 9DW
Proposal : Proposed extension and alterations to form holiday let accommodation (Part retrospective)".

Decision : Members voted unanimously to approve

Approved with conditions

- 1 Time Limit - Full Permission
- 2 In accordance with submitted drawings
- 3 Holiday use only
- 4 Ground floor to be ancillary to holiday let
- 5 SHC20 Parking and turning
- 6 Access gates to open inward
- 7 Balcony Screen to be installed and Retained
- 8 Obscure glazing to first and second floor windows in west elevation
- 9 Boundary treatments/landscaping
- 10 External lighting – die to rural area/ Amenity
- 11 Surface water
- 12 Foul water
- 13 Contamination during construction

Application submitted by South Norfolk Council

- 11. Appl. No** : **2022/1532/F**
Parish : **CRINGLEFORD**
Applicant's Name : Big Sky Developments Ltd & CPC
Site Address : Land South Of Newmarket Road And North Of Colney Lane Cringleford Norfolk
Proposal : Erection of a Community Sports Hall, with integrated Children's Nursery, a Groundsman's Store and associated parking
Decision : Members voted 7-0 to Delegated Authority to Approved subject to satisfactory LLFA responses.

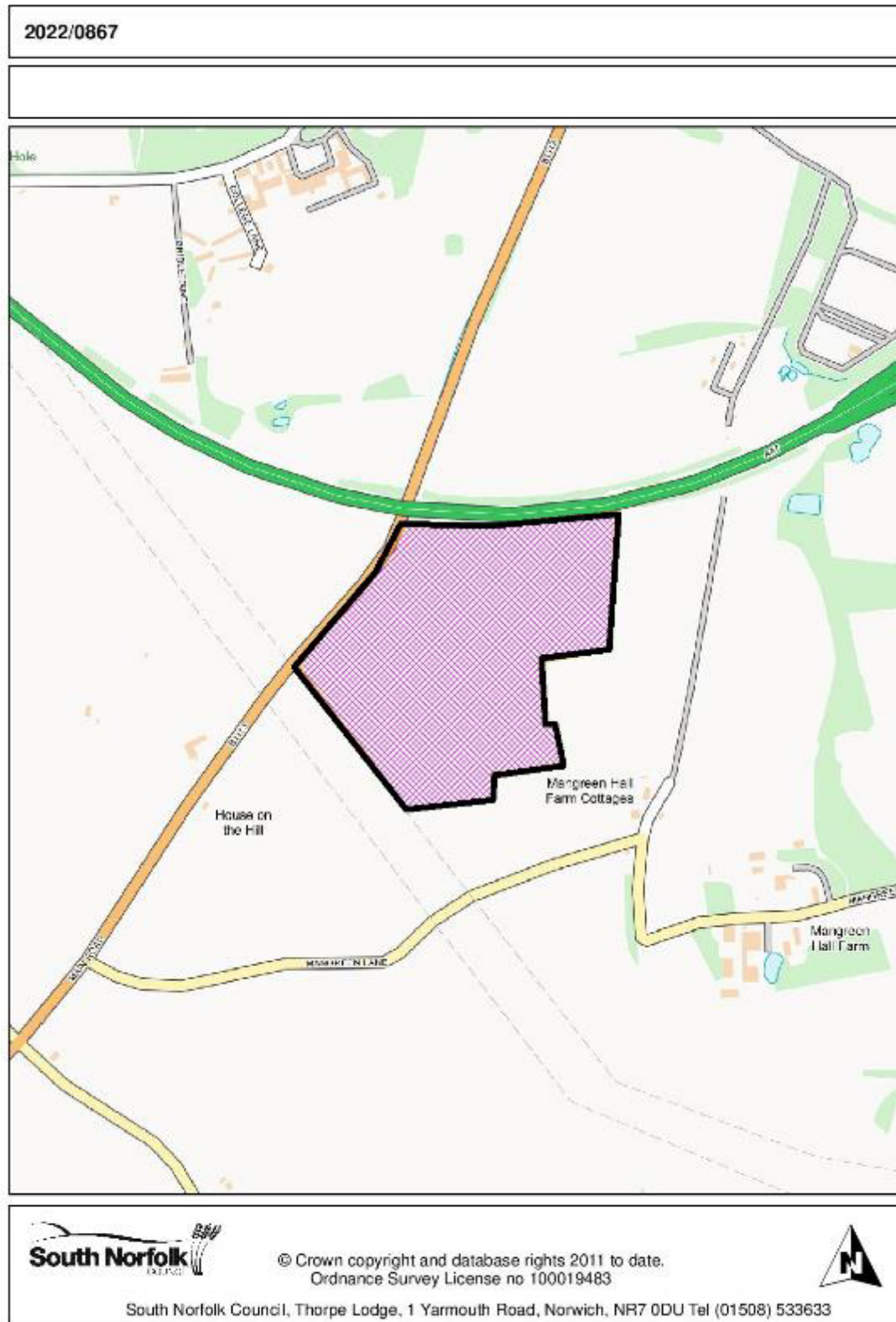
- 1 Time Limit - Full Permission
- 2 In accordance with submitted drawings
- 3 Materials
- 4 Specific Use
- 5 Surface water
- 6 Foul drainage to main sewer
- 7 SHC21 Provision of parking, service
- 8 Landscape
- 9 Cycle Parking
- 10 EV Charging Infrastructure
- 11 No generators/air plant without consent
- 12 Tree protection

PLANNING APPLICATIONS AND OTHER DEVELOPMENT CONTROL MATTERS

Report of Director of Place

Major Application

Application 1



Major Application

1. **Application No :** 2022/0867/F
Parish : SWARDESTON

Applicant's Name: Orsted Icen ESS (UK) Ltd
 Site Address: Land east of Main Road Swardeston Norfolk
 Proposal: Construction and operation of Energy Balancing Infrastructure (EBI) comprising energy storage technology, to form up to two areas of modular or containerised structures. To include containerised or modular battery array, transformers and inverter area, switchgear and control room building(s), connection of EBI plant to the Hornsea Three Onshore Converter Station (ONCS), required access and internal roads, drainage systems, perimeter and internal fences, and required external lighting and lightning pylons. Development is located within the Hornsea Three ONCS area as consented by the Hornsea Project Three Offshore Wind Farm Development Consent Order (DCO) in December 2020. The application is accompanied by an environmental statement.

Reason for reporting to committee

The Local Member has requested that the application be determined by the Development Management Committee for appropriate planning reasons as set out below in section 4.

Recommendation summary:

Approval with Conditions

1 Proposal and site context

- 1.1 This application seeks full planning permission for the installation of energy balancing infrastructure on land to the south of the A47 and East of Main Road, Swardeston. The application site is currently greenfield agricultural land, which is located outside of any defined development boundary. The site is made up of two agricultural fields which are separated by an existing hedgerow.
- 1.2 The application site is subject to a Development Consent Order which grants consent for the Hornsea Three Onshore Converter Station (ONCS). The ONCS was granted by the Planning Inspectorate as the development is considered to be a Nationally Significant Infrastructure Project. The converter station will serve the offshore windfarm.
- 1.3 This application proposes a battery storage facility including two battery arrays to the north and south of the site, and other associated infrastructure. The batteries will be used to provide energy balancing and regulation, which will allow the storage of energy at times of lower demand and releases energy back into the National grid at times of higher demand.
- 1.4 The nearest properties to the site are located at Mangreen located approximately 150m to the south west of the site. House on the Hill is located on Main Road, approximately 250m to the south west of the site, whilst there is a sports ground to the west of the site. There are existing overhead cables and pylons which run diagonally to the south-west of the site outside of the site boundary.

2. Relevant planning history

- | | | | |
|-----|--|---|--------------------------|
| 2.1 | 2021/2145 | EIA Screening Opinion for Hornsea Project Three Offshore Wind Farm Onshore HVDC Converter / HVAC Substation | EIA Required |
| 2.2 | 2021/2706 | Environmental Impact Assessment - Scoping Opinion on proposed development of Energy Balancing Infrastructure (EBI) at Hornsea Project Three Offshore Wind Farm Onshore HVDC Converter / HVAC Substation | EIA Required |
| 2.3 | Planning Inspectorate Reference EN010080 | National Infrastructure Application for an Order Granting Development Consent for the Hornsea Project Three Offshore Wind Farm | Approved with Conditions |

3 Planning Policies

- 3.1 National Planning Policy Framework (NPPF)
 NPPF 02 : Achieving sustainable development
 NPPF 04 : Decision-making
 NPPF 06 : Building a strong, competitive economy
 NPPF 11 : Making effective use of land
 NPPF 12 : Achieving well-designed places
 NPPF 14 : Meeting the challenge of climate change, flooding and coastal change
 NPPF 15 : Conserving and enhancing the natural environment
 NPPF 16 : Conserving and enhancing the historic environment
- 3.2 Joint Core Strategy (JCS)
 Policy 1 : Addressing climate change and protecting environmental assets
 Policy 2 : Promoting good design
 Policy 3: Energy and water
 Policy 5 : The Economy
- 3.3 South Norfolk Local Plan Development Management Policies
 DM1.4 : Environmental Quality and local distinctiveness
 DM3.8 : Design Principles applying to all development
 DM3.11 : Road safety and the free flow of traffic
 DM3.12 : Provision of vehicle parking
 DM3.13 : Amenity, noise, quality of life
 DM3.14 : Pollution, health and safety
 DM4.1 : Renewable Energy
 DM4.2 : Sustainable drainage and water management
 DM4.4 : Natural Environmental assets - designated and locally important open space
 DM4.5 : Landscape Character Areas and River Valleys
 DM4.8 : Protection of Trees and Hedgerows
 DM4.9 : Incorporating landscape into design

Statutory duties relating to Listed Buildings, setting of Listed Buildings and Conservation Areas:

S16(2) and S66(1) Planning (Listed Buildings and Conservation Areas) Act 1990 provides that in considering whether to grant planning permission or listed building consent for development which affects a listed building or its setting, the local planning authority, or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

4. Consultations

4.1 Swardeston Parish Council

Pleased to see that the safety fears voiced as part of the screening and scoping opinion have generally been recognised. Further comments have been raised on the following:

- Still have grave concerns regarding the use of lithium-ion battery technology
- Unclear how the safety mitigation measures will be installed, or followed.
- Question maximum envisaged power and energy capacity
- Concern that should there be a fire on the site, the water needed to extinguish it would be contaminated. Question how this will be contained.

4.2 Cllr Nigel Legg – District Councillor

Application should be determined by committee. Concerned about the scale of the application. There is widespread local concern about this and the visual impact on the local area. There are concerns about the design type of the batteries and the lack of safety measures to be implemented in case of fire. Because the site is near to the Norwich Substation many more similar applications are anticipated. South Norfolk Council does not have a Supplementary Planning Document in relation to the development of green energy which increases local concern that that such applications represent a "free for all" approach to the local landscape.

4.3 Anglian Water Services Ltd

No comments on this application

4.4 Senior Heritage & Design Officer

There is not considered that there will be any impact from the battery housing due to their height and distance from the heritage assets and colours will be agreed, however the lightning poles are high at 22m will be visible from some distance and can potentially urbanise what is presently a rural agricultural environment. This is acknowledged in the application in relation to Gowthorpe Manor, Wattle Cottage and Mangreen Hall.

4.5 NCC Highways

Traffic limits as agreed under the Hornsea Three DCO are not proposed to be exceeded. Provided this is controlled by a Construction Traffic Management Plan there would be no objection.

Once constructed the facilities will not be permanently staffed and will only be visited approximately 10 times a year for maintenance comprising of two small vans per visit. Sufficient parking space is proposed to accommodate this.

Access is proposed to be the same as used for the Hornsea Three DCO.

No objections subject to condition.

4.6 NCC Lead Local Flood Authority

Original Submission

Object to this proposal in the absence of an acceptable Surface Water Drainage Strategy and supporting information such as detailed drainage design and hydraulic modelling.

Reconsultation

Comments received October 2022

Maintain objection in the absence of an acceptable Surface Water Drainage Strategy and supporting information such as detailed drainage design and hydraulic modelling.

Reconsultation

Comments received December 2022

The submitted drainage strategy has addressed the previous objections. Therefore no objection subject to the inclusion of condition requiring the development to occur in accordance with the drainage strategy.

4.7 Designing Out Crime Officer

A number of recommendations have been included to ensure that the development achieves secured by design standards

4.8 Economic Development Officer

No comments received

4.9 Historic Environment Service

Archaeological trial trenching has occurred as part of the works for the onshore cable route. No archaeological conditions are required as part of this application.

4.10 Health And Safety Executive

Does not advise against the grant of planning permission in relation to impact on the existing HSE protected features including the existing high pressure pipeline.

4.11 National Grid

No comments received

4.12 Highways England

No objection

4.13 Norfolk Fire Service

All BESS installations should be subject to a suitable fire risk assessment. The fire protection and mitigation strategy should be determined on battery type, BESS location, layout, compartment construction, system criticality and other relevant factors. Detailed specific risk control measures are set out within the response.

Following ongoing dialogue between the applicant Norfolk Fire and Rescue Service, NFRS have confirmed that sufficient information has been provided and have no further comments.

4.14 Natural England

Detailed comments in relation to the following points:

- Common cudweed – it would be beneficial for specialist surveys to be carried out in order to inform baseline conditions of the site.
- Hedgerows – proposed mitigation should be sufficient
- Habitats – no additional runoff of water or soil into bounding ditches should occur.
- Great Crested (GC) Newts – welcome a precautionary method of works for GC.
- Bats – advises that soft felling of trees should also include trees assessed as having low or moderate sensitivity for roosting bats.
- Badgers – would welcome sight of a pre-construction badger survey.

4.15 Environment Quality

The proposal has the potential to have an adverse impact on residents of the area from an Environmental Protection viewpoint due to issues relating noise, air quality smoke and dust from the construction phase, and artificial light. The proposal would be located within the area covered by the Hornsea Three Offshore Wind Farm Order 2020. These potential issues are addressed as part of the DCO. As the issues are related it is considered pragmatic to include the same conditions in relation to construction practice and noise.

Subject to conditions no objection.

4.16 Environment Agency

No comments received

4.17 National Planning Casework Unit

No comments received

4.18 Water Management Alliance

The site is near to the Internal Drainage District of the Norfolk Rivers Internal Drainage Board. Any discharge from the site should occur to the Greenfield Runoff Rates wherever possible.

4.19 CPRE

- Concern about the increasing industrialisation of this part of formerly tranquil countryside.
- Endorses the comments and concerns raised by Swardeston PC.
- Concern that the site could cause glare and light pollution. Concern about Police advice that the lighting should be turned on, on the gates and access roads.
- Site is classified as a Rural Dark Landscape in the Norfolk County Council Environmental Lighting Zones Policy.

4.20 Other Representations

Four public representations have been received setting out the following concerns:

- Development will cause a massive disturbance and have a detrimental impact on wildlife and greenspace.
- There is a massive safety issue with the batteries.
- Concern about the impact of an explosion or fire on neighbouring properties.
- Information from the fire impact report into the fire at Orsted's Battery Energy Storage System at Carnegie Road in Liverpool
- Questions about waste water management in the event of a fire
- Application should be further scrutinised in liaison with Norfolk Fire and Rescue Service
- Question about the public safety and which 'jurisdiction' this sits within.

5 Assessment

Key considerations

5.1 The key issues in the determination of this application are:

- Principle
- Impact upon the landscape
- Impact upon amenity
- Highways

Principle

- 5.2 There are no specific policies within the Local Plan which relate to the storage of electricity. Policy DM1.3 requires new development to be located within development boundaries unless supported by another policy with the development plan. Policy DM2.1 (1) 'Development proposals which provide for or assist the creation of new employment opportunities, inward investment and / or provide for the adaptation and expansion of an existing business will be supported unless there is a significant adverse impact in terms of Policies DM 1.1, 1.3 and other policies of the Local Plan'.
- 5.3 Policy DM4.1 is also of relevance insofar as this relates to renewable energy and supporting infrastructure necessary. The policy does however look specifically towards renewable energy generating facilities as opposed to the storage of energy. Notwithstanding this, the policy does set out that proposal will be supported in the context of sustainable development and climate change on the wider environmental, social and economic benefits of maximising use of renewable energy. This proposal through its role in seeking to support the creation of a stable energy supply to store excess energy when the renewable energy is generating and feed it into the grid at times when there is an increase in demand and when renewable sources may not be generating helps to support the role of renewable energy technologies.
- 5.4 In addition to the Local Plan policies, in the determination of this application regard should also be had to the requirements of the NPPF and wider government policy. The Government's Energy White paper which was released in December last year (2021) recognised the importance of battery storage in helping to provide the capacity to the electricity network when renewable systems such as wind or solar power may not be generating energy. Whilst the white paper does not represent planning policy it is considered to be of relevance due to the steer it provides in relation to Government approach to energy provision.

- 5.5 The NPPF sets out at paragraph 152 of Chapter 14 the planning system should support the transition to a low carbon future in a changing climate. Paragraph 155 goes on to set out that *When determining planning applications for renewable and low carbon development, local planning authorities should:*
- a) *not require applicants to demonstrate the overall need for renewable or low carbon energy, and recognise that even small-scale projects provide a valuable contribution to cutting greenhouse gas emissions; and*
 - b) *approve the application if its impacts are (or can be made) acceptable. Once suitable areas for renewable and low carbon energy have been identified in plans, local planning authorities should expect subsequent applications for commercial scale projects outside these areas to demonstrate that the proposed location meets the criteria used in identifying suitable areas.*
- 5.6 The principle of development on this site has been accepted following the granting of the Development Consent Order (DCO) for the substation on the site. This application for battery storage relates to two areas to the north and south of the substation. Having regard to the role the development will play in supporting renewable energy technologies, the principle of the development is considered to be acceptable.

Scale, Layout and Design

- 5.7 Policy DM3.8 relates to design and requires all development to demonstrate good design. The proposal includes two areas of battery storage located to the north and south of the site, the approved substation will then be located within the centre of the site.
- 5.8 The batteries have a total height of 6.05m. There are a number of other pieces of infrastructure on the site, with the noise enclosure for the transformer at 9.5m. The highest structure on the site will be the lighting posts which have an approximate height of 23m. The height of structures on the site needs to be considered against the approved substation which has a maximum main building height of 25m.
- 5.9 The layout of the site will not extend beyond the area approved as part of the DCO. Having regard to the agreed parameters for the DCO, the scale and layout of the development is considered to be acceptable. The proposal is considered to accord with the requirements of DM3.8.

Impact upon the landscape

- 5.10 Policy DM4.5 relates to landscape character and river valleys. The policy sets out that: *'All development should respect, conserve and where possible, enhance the landscape character of its immediate and wider environment. Development proposals that would cause significant adverse impact on the distinctive landscape characteristics of an area will be refused.'* The policy goes on to set out the importance of the South Norfolk Landscape Character Assessment and sets out that *'particular regard will be had to protecting the distinctive characteristics, special qualities and geographical extents of the identified Rural River Valleys and Valley Urban Fringe landscape character types'*
- 5.11 The application site is located within the Tas Tributary farmland character area. It is also located within the Norwich Southern Bypass Landscape Protection Zone which is defined as part of Policy DM4.7. The development includes landscape planting around the outside of the development area. This includes woodland planting. The landscape planting reflects the agreed landscaping scheme which has been agreed as part of the DCO, reflecting the shared site area.

- 5.12 As part of the Environmental Statement submitted in support of the application a Landscape Visual Impact Assessment (LVIA) has been undertaken. The LVIA has looked at the impact of the development from a number of agreed receptors. It has also considered both the construction phase effects and the effect of the development during the operation and maintenance phase effects. The LVIA has set out that the development will have an impact upon the landscape. This impact however reduces when considering the mitigation which is proposed as part of the scheme. The LVIA has also considered the cumulative impact of the development on the site taking into account the substation. The landscape mitigation includes woodland planting around the edge of the site. When taking into account the planting around the edge of the site, the landscape impact from the majority of impacts is assessed within the LVIA as being negligible.
- 5.13 The cumulative impact of the development has also been assessed, taking into account the Hornsea 3 substation. When taken together the majority of the viewpoints show a moderate to minor impact. Having regard to the existing development proposed on the site and the mitigation planting proposed as part of the scheme, the proposal is considered to be acceptable in relation to landscape impact and accord with the requirements of DM4.7 and DM4.9.

Impact upon Amenity

- 5.14 Policy DM3.13 Amenity, Noise and Quality of Life sets out that development should ensure a reasonable standard of amenity reflecting the character of the local area. Planning permission will be refused where proposed development would lead to an excessive or unreasonable impact on existing neighbouring occupiers and the amenity of the area. Policy DM3.14 goes on to set out that all development should minimise and where possible reduce the adverse impact of all forms of emissions and other forms of pollution.
- 5.15 The public representations have raised concerns in relation to the safety of the batteries including fire risk and pollution. Norfolk Fire and Rescue have been consulted on the application. Following additional information from the applicant, they have confirmed that they do not have any objections to the development.
- 5.16 Consideration has been given to the application both in relation to the construction impact of the development and the ongoing operation of the site, including noise. The Energy Balancing Infrastructure is proposed to be constructed over an approximately 27 month programme and is expected to be built within the same construction window as the substation. The application has been considered by the Councils Environmental Quality Officer, who has confirmed that as the proposal would be located within the area covered by the Hornsea Three Offshore Wind Farm Order 2020, a number of the potential issues are addressed as part of the DCO. Notwithstanding this, as this proposal will grant a stand alone planning permission which could be developed independently of the DCO, its impacts need to be mitigated through the grant of this application. It is however considered pragmatic to include the same conditions as included as part of the DCO as the noise limit and code of construction practice will need to conform.
- 5.17 Subject to the inclusion of conditions, the proposal is considered to conform to the requirement of DM3.13 and DM3.14.

Highways

- 5.18 Policy DM3.11 relates to highway safety, whilst Policy DM3.12 relates to parking provision. Access to the site is from Main Road, Swardeston, and includes a single access point which will be shared with the substation. The Highways Authority have not raised any concerns in terms of the access. They have however requested conditions to secure the vehicle access and a construction traffic management plan.

- 5.19 Traffic implications for this development are mainly in relation to the construction phase, as once operational the development will not be staffed. Instead the applicants have confirmed that maintenance will take place approximately 10 times a year and will be in the form of two vans. Parking spaces are accommodated within the site area to accommodate this. The proposal in terms of parking is therefore considered to be acceptable and accord with the requirement of DM3.12.

Drainage and Flood Risk

- 5.20 Policy DM4.2 relates to drainage and requires sustainable drainage measures to be fully integrated within the design to manage any surface water arising from the development. A drainage strategy has been submitted by the applicants which has been reviewed by the Lead Local Flood Authority.
- 5.21 The site is located within flood zone 1, and there is a small area at low risk of surface water flooding within the site. The drainage strategy has reviewed the site and notes that infiltration for surface water is not a feasible option in this location. The proposal will therefore be discharged to the existing drainage outfall at an agreed rate. Following review by the Lead Local Flood Authority, they have confirmed that the drainage strategy is acceptable and have recommended that compliance with the strategy forms a condition of the planning permission. Subject to that condition, they have set out that they do not object to the development. On this basis the proposal is considered to accord with the requirements of DM4.2.

Ecology and Trees

- 5.22 Policy DM4.4 relates to the natural environment and requires development to contribute positively to the establishment and positive improvement of coherent ecological networks and biodiversity enhancement.
- 5.23 As part of this application the applicants have submitted a biodiversity assessment as part of this proposal which includes an enhancement plan. Natural England have commented on the proposal and the applicants have provided further information in response. As part of the proposal assurances have been received in relation to the drainage not affecting hedgerows and the provision of further surveys to Natural England. The scheme also includes biodiversity enhancement in the form of planting of new hedgerows around the site. This will be secured via condition. Subject to the inclusion of conditions the proposal is considered to accord with the requirement of DM4.4.
- 5.24 The impact of the development on trees and hedgerows has also been considered. Policy DM4.8 relates to this. A section of hedgerow is required to be removed to facilitate the access to the site, alongside three trees. These removals have already been agreed as part of the DCO. A small section of hedgerow is also need to be removed in the centre of the site to facilitate this development, alongside an oak tree. Having regard to the replacement planting proposed as part of the landscape mitigation, the removals are considered to be acceptable. The proposal is considered to accord with DM4.8.

Heritage Impacts

- 5.25 Policy DM4.10 relates to Heritage Assets and sets out that all development proposals must take into account the contribution which heritage assets make to the significance of an area and its sense of place. In addition to the requirements of the local plan, the Council also has a statutory duty in relation to listed buildings. The site is not within a conservation area. The nearest listed building to the scheme are located at Mangreen, with Wattle Cottage which is grade II listed located closest to the site located approximately 170m from the site.

- 5.26 The Councils Senior Heritage and Design Officer has reviewed the proposal and noted that the batteries due to their height and distance from heritage assets are not considered to affect the heritage assets. The lightning poles however will have a height of 22m and have the potential to have an urbanising effect on the site. This can be considered to cause less than substantial harm to the setting and significance of designated heritage assets. Where proposals result in less than substantial harm, it is necessary as set out in the NPPF to consider whether the proposal will result in a public benefit which would outweigh that harm. In this instance, having regard to the benefits the scheme will provide in energy security the proposal will outweigh the less than substantial harm caused to the heritage assets. Whilst it has been necessary to consider the impact of the development separately in relation to the impact upon listed buildings. It should also be noted that the height of the substation which has approval on the site will be higher than the lighting poles.
- 5.27 The proposal has also been assessed by the Historic Environment Service in relation to the impact that the development may have on archaeology. The Historic Environment Service has confirmed that they do not have an objection to the scheme. Archaeological investigations including trial trenching have occurred as part of the substation and they have confirmed that they would not require any further work to be undertaken.
- 5.28 The proposal is considered to accord with the requirements of DM4.10 and the requirements of sections 16 and 66 of the Listed Building Act.

Other Issues

- 5.29 Comments have been received in relation to other similar applications within the vicinity. Within the vicinity of the area other major infrastructure projects include the Equinor substation which is a nationally significant infrastructure project and has currently been submitted for examination. In addition the East Anglia Green Enablement project is currently subject to pre-application engagement. These proposals are not directly related to the site, and this proposal has been fully assessed in relation to its impact against the Councils adopted planning policies.
- 5.30 The Health and Safety Executive were consulted on the application in relation to the impact from existing safeguarded sites (High Pressure Pipeline) and do not advise against the grant of permission.

Nutrient Neutrality

- 5.31 This application has been assessed against the conservation objectives for the protected habitats of the River Wensum Special Area of Conservation and the Broads Special Area of Conservation and Ramsar site concerning nutrient pollution in accordance with the Conservation of Species and Habitats Regulations 2017 (as amended) (Habitats Regulations). The Habitat Regulations require Local Planning Authorities to ensure that new development does not cause adverse impacts to the integrity of protected habitats such as the River Wensum or the Broads prior to granting planning permission. This site is located within the catchment area of one or more of these sites as identified by Natural England and as such the impact of the development must be assessed. The development proposed does not involve the creation of additional overnight accommodation and as such it is not likely to lead to a significant effect as it would not involve a net increase in population in the catchment and is not considered a high water use development. This application has been screened, using a precautionary approach, as is not likely to have a significant effect on the conservation objectives either alone or in combination with other projects and there is no requirement for additional information to be submitted to further assess the effects. The application can, with regards nutrient neutrality, be safely determined with regards the Conservation of Species Habitats Regulations 2017 (as amended).

- 5.32 An Environmental Statement was submitted under the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 for this application. I am satisfied that adequate information has been submitted in the Environmental Statement to assess the environmental impact of the proposal, and appropriate consultation and publicity has been undertaken to comply with the above Regulations.
- 5.33 As part of my assessment I have considered and assessed the direct and indirect significant effects of the proposed development on the following factors:
(a) population and human health;
(b) biodiversity, with particular attention to species and habitats protected under EU Directive
(c) land, soil, water, air and climate;
(d) material assets, cultural heritage and the landscape; and
(e) the interaction between the factors referred to in sub-paragraphs (a) to (d).
- 5.34 The operational effects of the proposed development have been considered where appropriate, and any significant effects arising from the vulnerability of the proposed development to major accidents or disasters that are relevant to that development.
- 5.35 These matters are reported in the relevant sections of this report
- 5.36 Under Section 143 of the Localism Act the council is required to consider the impact on local finances. This can be a material consideration but in the instance of this application the other material planning considerations detailed above are of greater significance.
- 5.37 This application is not liable for Community Infrastructure Levy (CIL)
- 5.38 This application is not liable for Green Infrastructure Recreational Avoidance Mitigation Strategy (GIRAMS)

Conclusion

- 5.39 The principle of development in this location is considered to be acceptable having regard to the requirements of DM4.1 and national policy in relation to renewable energy. Whilst the site is currently undeveloped greenfield land, the site is proposed to be developed in combination with the Hornsea 3 substation which was approved under the development consent order.
- 5.40 The proposal is considered to be acceptable in relation to the design and height of the structures in accordance with DM3.8. Subject to the inclusion of conditions, the proposal is not considered to result in an adverse impact upon amenity, highways, heritage or ecology in accordance with the requirements of DM3.13, DM3.11, DM4.10 and DM4.4. Following the receipt of further information on the drainage strategy, the proposal accords with DM4.2.
- 5.41 Consideration has been given to the landscape impact of the development. Whilst the proposal will introduce built form closer to the site boundaries than previously approved as part of the Hornsea 3 substation, it will not extend the overall site boundary. Subject to the landscape planting, the proposal is considered to accord with DM4.5 and DM4.7.
- 5.42 The cumulative impact of the development alongside the substation has also been considered and an Environmental Statement submitted. The proposal is considered to be acceptable when having regard to the cumulative impact.
- 5.43 The proposal is therefore recommended for approval.

Recommendation : Approval with Conditions

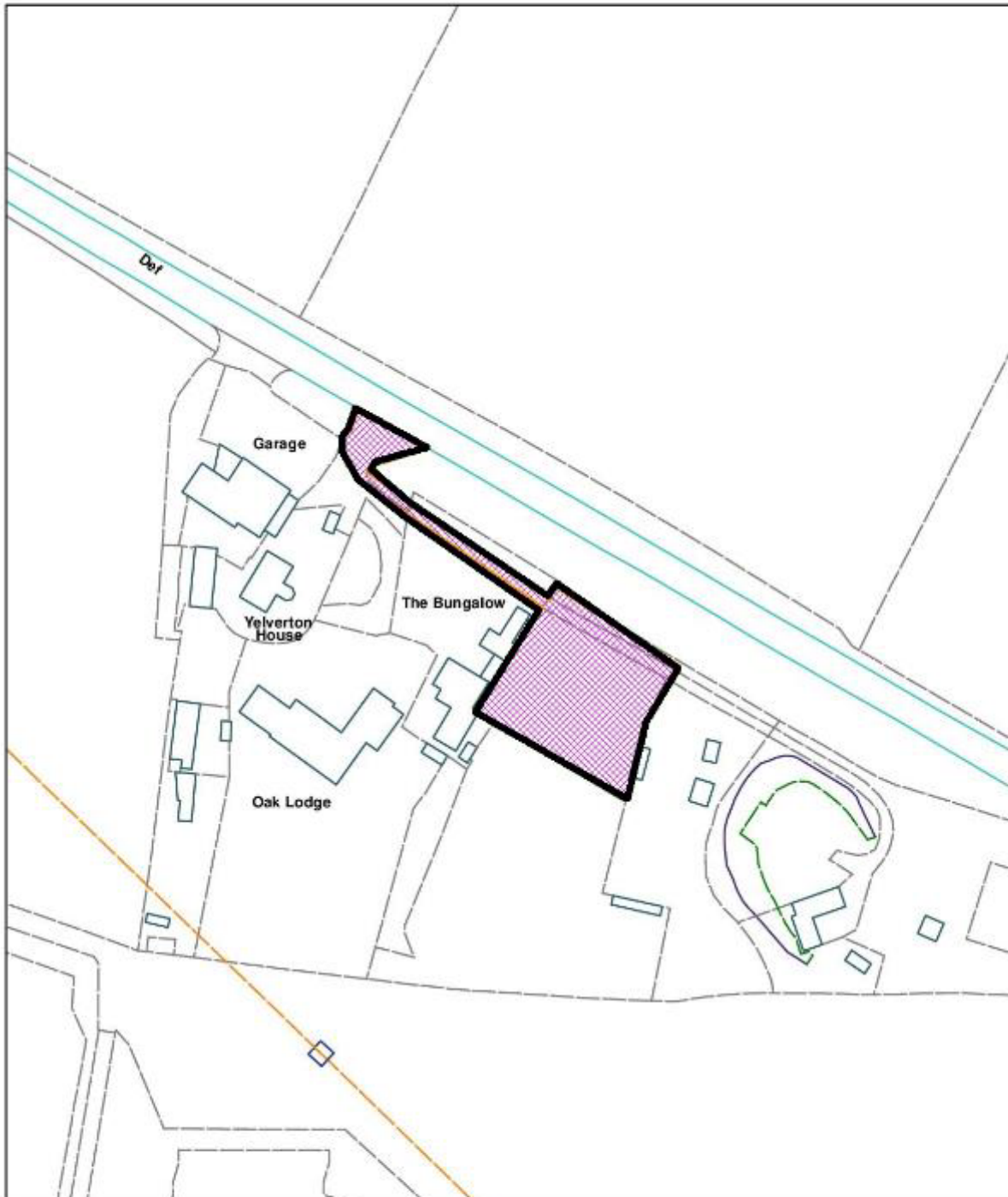
1. Time Limit
2. Submitted Drawings
3. Vehicle access/crossing
4. Construction Traffic Management Plan (PC)
5. Construction Traffic Management Plan - implementation
6. Drainage Strategy
7. Code of Construction practice (PC)
8. Noise limit
9. Landscape planting
10. Ecology management and enhancement plan (PC)
11. Tree Protection Measures (PC)

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Other Application

Application 2

2022/2106



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South Norfolk Council, Cygnet Court, Long Stratton, Norwich, NR15 2XE Tel (01508) 533633

Other Application

- 2. Application No : 2022/2106/F**
Parish : YELVERTON

Applicant's Name: Mr Alex Mcallister
 Site Address Land east of The Bungalow, Loddon Road, Yelverton
 Proposal Change of use of amenity land to residential Romany Gypsy site.
 Erection of dayroom, store/workshop building and hard standing for mobile home and touring caravan (Revised)

Reason for reporting to committee

The previous application was determined by this Committee.

Recommendation summary: Authorise the Assistant Director of Planning to 'Approve with conditions subject to the satisfactory completion of a Unilateral Agreement relating to GIRAMS.'

1 Proposal and site context

- 1.1 This application seeks consent for a Romany Gypsy residential site for one pitch containing a residential mobile home, a dayroom, a store/workshop building and hard standing for a touring caravan.
- 1.2 The application site is located to the south side of the A146 Norwich to Lowestoft road at Yelverton. The site is elevated above the A146 and is screened from the road by existing vegetation, however, will be visible when viewed from the northwest. The access is via the access track/drive shared with adjacent properties from the A146. The site has been cleared of the existing vegetation and has fencing on all sides. To the west are existing residential properties, Yelverton garage and Yelverton Vans.
- 1.3 A previous application (2020/2335) was refused in March 2021 by the Local Planning Authority (LPA) for the following reasons;
1. The proposal is located in the open countryside, outside a defined development boundary and is remote from local services, as such the location is not sustainable, in conflict with the aims of sustainable development; the need to minimise travel; the ability to encourage walking, cycling, use of public transport and reduce the reliance on the private car. The development therefore is contrary to Policy 1 and Policy 6 of the Joint Core Strategy, policies DM3.3 (f), DM3.10 of the South Norfolk Local Plan; and the Planning Policy for Traveller Sites 2015.
 2. It is considered that the introduction of the proposed development of a mobile home, a dayroom, a store/workshop together with vehicles and domestic items, will consolidate the existing development and further erode the open landscape character of the area, which has very few buildings and structures within it. In view of the above, the proposal would be out of keeping with the open nature of the surrounding area and would be significantly harmful to its immediate setting, form and character of the area and would also be demonstrably harmful to the defining characteristics of this part of South Norfolk. The proposal therefore does not satisfy Policy 2 of the JCS, DM3.3 and DM4.5 of the SNLP, together with Section 12 of the NPPF and the design principle 3.4.1 of the South Norfolk Place-Making Guide.
- 1.4 This is a resubmission of an application which was refused by the Local Planning Authority and dismissed at Appeal (Appeal Decision listed at Appendix 1 of this report). This current application seeks to address the Inspector's reasons for refusal.

- 1.5 The Inspector considered that the proposals were in accordance with the development plan in relation to the two reasons for refusal as follows;
- the appeal site is a suitable location for the proposed pitch with reference to the spatial strategy in the development plan;
 - the effect of the development on the character and appearance of the area is limited;
- 1.6 However, since the LPA's refusal and prior to the determination of the Appeal, Natural England had reviewed its advice on the impact of nutrients on Habitats Sites. Within Norfolk, the catchment area for the Broads and the River Wensum (The Habitats Sites) have been identified as areas that are already in an unfavourable condition due to nitrates and phosphates and as such it will be necessary to undertake a HRA for applications in these areas which are for overnight accommodation including new homes which is relevant to this application
- 1.7 In the Appeal no evidence was submitted to demonstrate that foul and surface water arising from the development does not drain into the catchment area, and the Inspector stated that the possibility of additional nutrient loading from the proposed development must therefore be considered along with any necessary mitigations to ensure nutrient neutrality. The Inspector stated that this is not an incidental implication of the proposal but a matter of principle as to whether or not the scheme could proceed in an acceptable manner without causing harm to the integrity of the Special Area of Conservation (SAC) and was contrary to the statutory duty upon the competent authority which accompanies it.
- 1.8 He continued, furthermore, it would appear that the appeal site falls within an area where recreational impact mitigation measures for The Brecks, North Norfolk Coast and The Broads as described in the Norfolk Green Infrastructure and Recreational Impact Avoidance and Mitigation Strategy (GIRAMs) are required. Natural England has provided revised advice regarding the need to ensure that new residential development and any associated recreational disturbance impacts on designated sites are compliant with the Habitats Regulations.
- 1.9 Consequently, the Inspector determined that the proposal failed to comply with the requirements of the Regulations as well as Paragraph 180(a) of the Framework which states that where significant harm to biodiversity resulting from a development cannot be adequately mitigated, then planning permission should be refused. As a result, it would not accord with Policy 18 of the JCS which seeks to ensure no detriment to the Broadland SPA, Broadland Ramsar and Broads SAC.
- 1.10 The Appeal was therefore dismissed by the Inspector for the following reason;
- The proposal would lead to significant adverse effect on the integrity of designated sites contrary to the requirements of the Habitat Regulations and in conflict with Policy 18 of the JCS.

2. Relevant planning history

- | | | | |
|-----|-----------|--|---------|
| 2.1 | 2020/2335 | Change of use of amenity land to residential Romany Gypsy site. erection of dayroom, store/workshop building and hard standing for mobile home and touring caravan | Refused |
|-----|-----------|--|---------|

Appeal History

- | | | | |
|-----|-----------------|--|-----------|
| 2.2 | 21/00050/AGREFU | Change of use of amenity land to residential Romany Gypsy site. Erection of dayroom, store/workshop building and hard standing for mobile home and touring caravan | Dismissed |
|-----|-----------------|--|-----------|

3 Planning Policies

- 3.1 National Planning Policy Framework (NPPF)
 NPPF 02 : Achieving sustainable development
 NPPF 04 : Decision-making
 NPPF 05 : Delivering a sufficient supply of homes
 NPPF 09: Promoting sustainable transport
 NPPF 12 : Achieving well-designed places
 NPPF 14 : Meeting the challenge of climate change, flooding and coastal change
 NPPF 15 : Conserving and enhancing the natural environment
 NPPF 16 : Conserving and enhancing the historic environment
- 3.2 Joint Core Strategy (JCS)
 Policy 1 : Addressing climate change and protecting environmental assets
 Policy 2 : Promoting good design
 Policy 3: Energy and water
 Policy 4 : Housing delivery
 Policy 6 : Access and Transportation
 Policy 15 : Service Village
- 3.3 South Norfolk Local Plan Development Management Policies
 DM1.1 : Ensuring Development Management contributes to achieving sustainable development in South Norfolk
 DM1.3 : The sustainable location of new development
 DM1.4 : Environmental Quality and local distinctiveness
 DM3.3 : Gypsy and Travellers sites
 DM3.8 : Design Principles applying to all development
 DM3.10 : Promotion of sustainable transport
 DM3.11 : Road safety and the free flow of traffic
 DM3.12 : Provision of vehicle parking
 DM3.13 : Amenity, noise, quality of life
 DM3.14 : Pollution, health and safety
 DM4.4 : Natural Environmental assets - designated and locally important open space
 DM4.5 : Landscape Character Areas and River Valleys
- 3.4 Supplementary Planning Documents (SPD)
 South Norfolk Place Making Guide 2012
- 3.5 Planning Policy for Traveller Sites (PPTS) 2015
- 3.6 Chief Planner's Letter 31 August 2015: Green Belt Protection and Intentional Unauthorised Development

4. Consultations

4.1 Parish Councils

Alpington with Yelverton Parish Council:

We consider this new application should also be refused for the same reasons as previously stated in our response to application 2020/2335:

- The site will create additional traffic onto the A146, which is 60mph (National speed limit) at the point of entry onto the carriageway. This is a busy and fast-moving road and has had a number of fatalities historically.
- The site is not allocated for the proposed use in the Local Plan and therefore would need to meet the tests of the NPPF.
- There are no facilities within walking distance and indeed there are no footpaths from this location, therefore vehicular travel is essential from this location for all shopping and services.
- The natural amenity and habitat have already been damaged by the pre-emptive site clearance and development of any kind should be avoided in such a rural location. The clearance of said trees along with the proposed hardstanding areas could increase the risk of flooding to neighbouring properties.
- This planning application has generated concerns with the adjacent residents who are intending to object on a variety of planning grounds. As the Parish Council we have a duty of care to our parishioners and to support their legitimate concerns.
- Whilst the application site is bounded by a high fence, we do not know the height of any vehicles being used for living in, that might be brought onto site and this could trigger an issue of overlooking into the adjacent dwellings. The property also looks close to the boundary fence which could negatively impact the residents on the adjoining land.
- Subject to further investigation and possibly a planning matter, we understand that the right of access over the private land to the application site is legally 2.7m (9 feet) wide, whereas the guidelines for a site of this proposed usage require a minimum 3m width.

Holverston Parish Council:

Holverston is amongst the smallest civil parishes in England. It is entirely arable with only 10 households and a population of approximately 30. The site which is subject to the planning application 2020/2335 is in Yelverton on the A146. However apart from The Garage and The Bungalow and Oak Lodge the nearest properties to the site are 4 of the 10 households in Holverston. It is estimated that they are only 200 metres or so from the site.

As such a small parish our collective knowledge of planning procedures is modest. Notwithstanding that we believe that the application is without merit for the following reasons:

1. The land is amenity land which has over a number of years been subject to several planning refusals for caravans, mobile homes and living accommodation. There was also an enforcement notice issued to uphold planning refusals. The site is not in the local plan.
2. It is understood that the application is for a single family. However the uploaded portal documents from the Housing Association states that the site "will effectively become a caravan site" for Romany Gypsies. Such a site would have a massive impact on a very small community in that it has the capacity to outnumber the local residents and would be completely out of character with the neighbourhood. There is no local infrastructure, no public land whatsoever, no footpaths at the side of the roads, no street lighting or shops and pubs. Any resident would have to leave by vehicle or risk walking on the unlit A146 with no footpaths to enable walking at the side of the road.
3. The access to the site is off the unlit A146 where the speed limit is 60mph. At that area there is often deep standing water which crosses the entire road and causes traffic problems sudden tailbacks and danger. There have been a number of fatalities over the years. The access to the proposed site is restricted and crosses The Garage site where there are often vehicles parked and being moved about. It is quite possible that congestion on the site could easily lead to tailbacks onto the A146 with additional consequent danger. As local residents we have seen and attended a number of road accidents and fatalities.
4. We are of the understanding that the allocation for traveller sites for South Norfolk has been met and therefore question whether such a site is needed at all.
5. If the application is approved it would set a dangerous precedent for losing amenity land to development.

Bramerton Parish Council:

No comments received.

4.2 District Councillor – Cllr John Fuller

No comments received.

4.3 NCC Highways

Taking into account the Planning Inspectors comments and decision in regards to the previous application for the use of the site for a travellers site, no highway objections are raised, subject to conditions.

In view of the location of the site being served directly from the A146, it is recommended that the development should be for the number of buildings as shown on the site layout drawing. One mobile home and one touring caravan.

It is noted that the Planning Inspector considered that the site was acceptable for the proposed usage on transport sustainability grounds.

4.4 Health and Safety Executive

No comments received.

4.5 Fisher German (Gas pipeline operator)

No comments received.

4.6 National Grid

No comments received.

4.7 SNC Water Management Officer

No comments received.

4.8 Gypsy Liaison Officer

No comments received.

4.9 The Gypsy Council

No comments received.

4.10 National Travellers Action Group

No comments received.

4.11 SNC Community Services - Environmental Quality Team

No objections subject to conditions relating to:

- contamination and to require the store/workshop will only be for domestic use, and details of external lighting. Also to attach an informative relating to contamination, construction impacts and wood burning stoves.

4.12 Housing Standards

- If planning consent is granted, the site owner / applicant would need to apply for and obtain a residential caravan site licence and the site must comply with site licence conditions accordingly.

4.13 Other Representations

4 letters of objection received::

- Sufficient supply of gypsy and traveller sites
- Concerns with regard to the Broads special area of conservation and nutrient neutrality
- Screening of the site / Trees / Ecology
- Drainage
- Site location is not suitable
- Proposed development is not in keeping with the current housing.
- Disturbance
- Highway safety and access

5 Assessment

Key considerations

5.1 In light of the Planning Inspectors decision the key consideration is:

- whether or not the proposed use would adversely affect the integrity of European designated nature conservation sites (the Broads Special Area of Conservation (SAC))

5.2 The other issues raised in the original determination have not been considered in detail in this current application assessment as they have been considered by the Inspector and found to be acceptable. This appeal decision is a significant material consideration in the determination of this application. There are no material changes since that Inspectors decision and as such the appeal decision is afforded significant weight and establishes the acceptability of the substantive matters of the Council's grounds of refusal. The following assessment considers the impact on the integrity of European designated nature conservation sites and imposition of relevant conditions.

Nutrient Neutrality

5.3 The application now includes information to confirm that the appeal site is outside the Broads Special Area of Conservation (SAC) and the Wensum SAC catchments areas. The technical note also establishes surface water from the site will discharge via infiltration drainage techniques such as soakaways and/or into an adjacent watercourse (if available). It also indicates that foul water drainage will be processed by a private sewage treatment plant with discharge via infiltration drainage techniques such as a drainage field and/or into an adjacent watercourse (if available).

5.4 On the basis of the site's location outside of the catchment of the River Wensum and Broads SACs this means that surface and foul water from the site will not increase the volume of nitrogen or phosphorus entering the SACs and hence the application can safely be determined as there are no likely significant effects on integrity of the features at the Protected Sites.

Green Infrastructure and Recreational impact Avoidance and Mitigation Strategy (GIRAMS)

5.5 In regard to the Norfolk Green Infrastructure and Recreational impact Avoidance and Mitigation Strategy the site is within the Broads zone of influence. The applicant has confirmed his agreement to pay the assessed contribution of £185.93 (as increased by inflation) towards the costs of mitigation measures and a copy of the completed GIRAMS shadow Habitats Regulation Assessment has been submitted with the application.

5.6 In view of the above, it is considered that the revised application has addressed the Inspector's reason for refusal and the application demonstrates that the proposed use would not adversely affect the integrity of any European designated nature conservation sites, in this case the Broads Special Area of Conservation (SAC). Therefore as the Competent Authority the Council is satisfied through adopting the Appropriate Assessment and through securing mitigation by contributions through the S106 that the identified likely significant effects from recreational impact of the development is acceptable.

Highways

- 5.7 The comments made from the Parish Councils and local residents regarding the impact of the proposal on Highway safety grounds, as set out above, are noted. These were considered by the Planning Inspector in the determination of the appeal and are afforded significant weight as a planning material consideration in the determination of this application. Equally, no objections subject to conditions, as set out above, have been received from Norfolk County Council Highways to the proposal and therefore the proposal accords with Policy DM3.11 and DM3.12 of the Development Management Policies document.

Sustainability of location & accessibility of the site

- 5.8 The Inspector determined that the proposal would comply with Policies 1 and 6 of the JCS and Policies DM3.3(f) and DM3.10 of the SNLP and attaching significant weight to that appeal decision and with no material changes to take into account since that appeal I reach the same conclusions on the compliance with these policies.

Landscaping, Impact on the character of the area

- 5.9 The Inspector determined that the proposal would not be out of keeping with the open nature of the surrounding area and would not be significantly harmful to its immediate setting, form and character of the area or harmful to the defining characteristics of this part of South Norfolk and that the proposal complies with Policy 2 of the JCS, DM3.3 and DM4.5 of the SNLP. Attaching significant weight to that appeal decision and with no material changes to take into account since that appeal decision I reach the same conclusions on the compliance with these policies.

Ecology

- 5.10 No ecological surveys have been submitted in support of the proposed development however, given that the site has already been cleared; and its location adjacent to A146, it is considered unreasonable to request that surveys are now carried out. However, an appropriate condition is proposed for the provision of ecological and biodiversity enhancements. As such the proposal accords with Policy 1 of the JCS, DM4.4 of the DM DPD and Section 15 of the NPPF.

Impact on Residential Amenity

- 5.11 Policy DM3.13 directs that development should not be approved if it would have a significant adverse impact on nearby resident's amenities or the amenities of new occupiers.
- 5.12 The site is towards the east of a residential property and Yelverton Garage. Concerns have been raised by residents as listed in paragraph 4.13 of this report. While these comments are noted it is not considered that there would be any significant adverse impact on the amenities of neighbouring properties due to the limited scale of the development and it being of a residential nature.
- 5.13 Concerns have been raised in respect of other issues including nutrient neutrality, which was a specific reason for dismissing the previous appeal, however this has been addressed earlier within this report.
- 5.14 Officers had concerns with the proposed store on site and its' intended use. The agent has confirmed that the store is purely proposed for domestic use, and therefore it is not considered that this would result in any adverse impact on the amenities of the nearby residential properties and its use can be controlled by a condition. The lighting of the site can also be controlled by condition in order to protect neighbour amenity.

- 5.15 Whilst it is accepted that it is inevitably the case that there will be a change to the situation presently enjoyed by the existing dwellings, with the imposition of the Conditions proposed, it was not considered by the Appeal Inspector, nor do I consider, that the proposed development would result in any significant harm to residential amenities and therefore accords with DM3.13 of the Development Management Policies document.
- 5.16 A number of conditions are proposed to be imposed on the decision notice to ensure the Local Planning Authority retains control of the site and permitted development is restricted. This will ensure that the proposal does not have a future detrimental impact on any neighbouring amenity.

Drainage and Flooding

- 5.17 The site is in flood zone 1 with a low risk of flooding from rivers and the sea and is not identified as being at risk from surface water flooding. In respect of foul drainage the application form advises that foul drainage will discharge to a package sewage treatment plant. No objections are raised to this approach subject to the imposition of an appropriate condition. In respect of surface water drainage, this can be dealt with via an appropriate condition. It is considered subject to conditions that the development therefore accords with Policy 1 of the JCS and Policy DM4.2 of the SNLP.

Other matters

- 5.18 The Chief Planner's letter of 31 August 2015 set out the Government's concern about the harm that is caused where the development of land has been undertaken in advance of planning permission being obtained and that in such cases, there is no opportunity to appropriately limit or mitigate the harm that has already taken place. This is termed as intentional unauthorised development and the Chief Planner's letter introduces this as a material consideration. In this case, the applicant whilst erecting fencing on the site (which does not require planning permission), has not occupied the site. Therefore, whilst the concerns raised by local residents is acknowledged, this is not a consideration in the determination of this application.
- 5.19 Under Section 143 of the Localism Act the council is required to consider the impact on local finances. This can be a material consideration but in the instance of this application the other material planning considerations detailed above are of greater significance.
- 5.20 The buildings are liable for the Community Infrastructure Levy. The applicant intends to develop the site himself and to live there for a considerable period. He is therefore applying for self-build exemption from the payment of Community Infrastructure Levy.
- 5.21 Due regard has been had in the assessment of this application to the Public Sector Equality Duty under section 149 of the Equality Act 2010, which requires public bodies to have due regard to the need to eliminate discrimination, advance equality of opportunity and foster good relations between different people when carrying out their activities. Officers have also considered the best interests of the applicant's children as a primary consideration.
- 5.22 Regard has been given to the protected rights under the Human Rights Act including Article 1, Protocol 1, which gives every person the right to peaceful enjoyment of their property; and Article 8, which provides a right to respect for family and private life. These rights are qualified rights and need to be balanced with other factors in the public interest. In this case, as set out above, it is considered that for members of the settled community, those rights will not be interfered with if this development is permitted. For the applicant, the approval of the application would result in the provision for his and his children home and therefore their rights are considered.

Conclusion

- 5.23 In light of the Appeal decision and the additional information submitted in relation to Nutrient Neutrality and GIRAMS the revised application overcomes the reasons for refusal as set out in the Appeal. Therefore, following the Inspectors decision and considering information submitted with this revised application, the application is therefore considered acceptable, subject to conditions, when taking into account the location of the development, impact on neighbouring amenity, drainage, ecological impact, highways safety, landscaping and its impact on the character of the area.
- 5.24 Conditions were suggested by the Council as part of the Appeal, and these are amended and included in the recommendation below as are considered to accord with the 6 conditions tests being necessary to make the development acceptable.
- 5.25 The application is considered to accord with Policies 1, 2, 4 and 6 of the JCS; Policies DM1.1, DM3.3, DM3.3, DM3.10, DM3.11, DM3.12, DM3.13, DM3.14, DM4.2, DM4.4 and DM4.5 of the SNLP, the National Planning Policy Framework and the Planning Policy for Traveller Sites.

Recommendation: Approve with conditions subject to the satisfactory completion of a Unilateral Agreement relating to GIRAMS

- 1 Time limit
- 2 Plans and documents
- 3 Use by Gypsy and Travellers only
- 4 The workshop hereby permitted shall be used by the occupier of the site only; and shall not be used for any commercial purposes.
- 5 No more than one pitch to be comprised of one residential mobile home, one dayroom, one store/workshop building and hard standing for one touring caravan
- 6 Surface water drainage (PC)
- 7 Foul water disposal as submitted (and no connection to watercourse that feeds in to the NN catchment)
- 8 No external lighting shall be erected unless first agreed with the Council
- 9 Contamination not previously identified
- 10 Ecology enhancements to be submitted, approved and implemented

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Appendix 1 – Appeal Decision APP/L2630/W/21/3282733



The Planning Inspectorate

Appeal Decision

Site visit made on 21 September 2022

by G Pannell BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 31 October 2022

Appeal Ref: APP/L2630/W/21/3282733

Land East of The Bungalow, Loddon Road, Yelverton, NORWICH, NR14 7PJ

- 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 Mr Alex McAllister against the decision of South Norfolk District Council.
 - The application Ref 2020/2335, dated 3 December 2020, was refused by notice dated 10 March 2021.
 - The development proposed is erection of dayroom, store/workshop building, formation of hard standings for mobile home and touring caravan. Application includes change of use of domestic amenity land.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The description of development in the heading above has been taken from the planning application form. However, in Part E of the appeal form the description has been changed to the one that the Council used to deal with the proposal which is change of use of amenity land to residential Romany Gypsy site. Erection of dayroom, store/workshop building and hard standing for mobile home and touring caravan. This was agreed with the appellant, and I have therefore used this in coming to my formal decision.
3. Following the Council's decision, the National Planning Policy Framework (the Framework) was revised on 20 July 2021. The Council and appellant have had an opportunity to comment on the implications of this as part of their submissions.
4. Following the appeal submissions, a Written Ministerial Statement (WMS) on river basin catchments and relevant watercourses beyond those previously identified as being in 'unfavourable' condition due to high nutrient levels, and protected sites under the Habitat Regulations was issued on 16 March 2022. As a result of the WMS, Natural England updated the conservation status of The Broads Special Area of Conservation (SAC), in regard to unfavourable nutrient levels. In the interests of natural justice, both main parties have had the opportunity to make representation. In coming to my conclusion, I have had regard to those.

Appeal Decision APP/L2630/W/21/3282733

Main Issues

5. The main issues in this appeal are:

- Whether or not the appeal site is a suitable location for the proposed pitch with reference to the spatial strategy in the development plan;
- the effect of the development on the character and appearance of the area; and
- whether or not the proposed use would adversely affect the integrity of European designated nature conservation sites.

Background

6. The appeal site is intended for occupation by the appellant, who previously resided at Harford Park traveller site with his wife and children. Due to a change in personal circumstances he no longer lives there.
7. Evidence has been supplied by the appellant to demonstrate a nomadic habit of life and the Council has not taken an alternative view or suggested the submissions are inconsistent or inaccurate. Accordingly, the future occupant of the proposed pitch would travel for economic purposes and thus follow a nomadic habit of life.
8. There is no dispute that the proposed occupiers would fall within the terms of Annex 1 of the Planning Policy for Traveller Sites (PPTS) and, accordingly, that policy provides a relevant context for this proposal.

Reasons

Spatial Strategy

9. Paragraph 25 of the PPTS seeks to strictly limit new traveller site development in the open countryside that is away from existing settlements. Consequently, the appeal site, which is located within the countryside, is in a location where new Gypsy and Traveller development should be strictly controlled.
10. Policy DM1.3(2) of the South Norfolk Local Plan Development Management Policies Document (October 2015) (the LP) permits development in the countryside outside of defined development boundaries for settlements where specific development management policies allow.
11. Policy DM3.3 of the LP deals with proposals for Gypsy and Traveller sites inside and outside of the development boundaries. It sets out a number of key considerations and, of these, (f) includes the need to consider whether the site is isolated from settlements so that the occupiers cannot gain convenient access to schools and facilities to meet their daily needs is a matter of dispute.
12. The nearest discernible village, to the appeal site, is Yelverton which is defined as a Service village within the Joint Core Strategy for Broadland, Norwich and South Norfolk (JCS), but despite having a primary school has a limited range of services and facilities. The Council has indicated that the appellant would need to travel to Poringland, to access a wider range of facilities, such as health care provision or secondary education.
13. Due to the intervening distance, it is highly unlikely future residents would regularly walk to either Yelverton or Poringland. The nearest bus stop, is

approximately a 12 minute walk from the site and whilst this would be an available alternative to the private car, I have not been provided with any details of the frequency of the bus service and the Council's evidence indicates that the service is irregular. Therefore, this leads to uncertainty that it would be a realistic alternative to the convenience of a private car.

14. Cycling is unlikely to be an option due to the distance and the need to negotiate the busy A146. Therefore, I am not persuaded that there is sufficient evidence that cycling would be a realistic mode of transport to access the day to day services and facilities having regard to the distance to the nearest larger village.
15. Thus, future occupiers of the proposed pitch would be predisposed to use private motorised transport when accessing everyday facilities and services. This would result in negative impacts on carbon emissions and from disincentivising healthy travel options such as walking.
16. However, the appeal site is only around three miles from the centre of Poringland and 6 miles to the centre of Norwich and the railway station. The A146 is a classified road that provides good access into the national road network. This road can be easily accessed from the appeal site via a junction directly onto it. The easy access to the national road network would facilitate travel and the nomadic habit of life the occupant engages in.
17. Therefore, the journeys would be reasonably short when bearing in mind that accessibility needs to be considered in the context that members of the travelling community are generally reliant on vehicles wherever they live given their lifestyle.
18. Moreover, for parts of the year the appellant would be away travelling and therefore the number of journeys would be reduced. Thus, the appeal site's position only a couple of miles from both Poringland and Norwich could be considered as not being isolated from settlements and that it provides convenient access to existing services and facilities.
19. In conclusion, the proposal would provide the future occupants, who have a nomadic habit of life, with reasonable access to services and facilities, given the sites proximity to a sustainable settlement and a classified road, when future occupants are generally reliant on the private car.
20. As a result, it would adhere to Policies DM3.3(f) and DM3.10 of the LP which seek to ensure sites are suitably located and integrated with local sustainable transport networks. It would also accord with Policy 6 of the JCS which states that in the most rural areas the private car will remain an important means of travel.

Character and appearance

21. The site is located within an existing cluster of mixed development, comprising a commercial vehicle sales yard and MOT station and a number of residential dwellings, accessed off the A146.
22. The appeal site is enclosed by this existing development and views of the site are restricted to those looking into the site from the private track, with some limited views of the site possible from across the neighbouring fields which comprise a solar farm. Nevertheless, where views can be afforded, the site appears part of the small cluster of development off the A146, rather than as part of the open countryside beyond the appeal site. As a result, the site does not contribute to the open rural nature which is experienced beyond the appeal site, with both open fields interspersed with native hedging and those of the solar farm.
23. Whilst the site is technically open land in the countryside, it is tucked away within an immediate complex of various buildings and other ad hoc parcels. Consequently, in terms of public exposure, the site is rendered relatively indistinct and makes little contribution in itself to the open rural character of its wider surroundings.
24. Thus, the adverse impacts on the character and appearance of the area would be limited. The introduction of further development into the site would not be unduly harmful, having regard to the enclosed nature of the existing site. The development would protect the character of this part of the countryside and result in a small infill between the existing built development.
25. It would be in accordance with Policy 2 of the JCS in particular in its aim to respect local distinctiveness. Furthermore, it would also accord with policies DM3.3 and DM4.5 of the LP which requires development to respect, conserve and where possible, enhance the landscape character of its immediate and wider environment and in particular that sites for Gypsies and Travellers should be sited and designed to integrate in to the local landscape.

The Broads Special Area of Conservation

26. Nutrient neutrality requires that competent authorities under the Habitat Regulations carefully consider the nutrient impacts of projects on Habitats sites, and whether those impacts may have an adverse effect on the integrity of a Habitats site that requires mitigation. The Council have advised that the appeal site is just outside of the identified catchment area of the Broads Special Area of Conservation (SAC). However, as no evidence has been submitted to demonstrate that foul and surface water arising from the development does not drain into the catchment area, the possibility of additional nutrient loading from the proposed development must be considered along with any necessary mitigations to ensure nutrient neutrality.
27. The proposal for new residential accommodation has the potential to lead to an increase in additional nutrients reaching the SAC due to the implications of foul and surface water drainage systems. Consequently, based on the lack of evidence before me as to whether the site would drain into the catchment area and in the absence of mitigation measures, the proposal would likely have a significant adverse effect on the integrity of the SAC.

28. Given the lack of clarity as to what may be required and uncertainty on the time it may take to have a strategy in place with practical solutions to resolve this matter long term and for the lifetime of the development, I am not satisfied that it would be reasonable to impose a Grampian condition to resolve this matter.
29. This is also not an incidental implication of the proposal but a matter of principle as to whether or not the scheme could proceed in an acceptable manner without causing harm to the integrity of the SAC and contrary to the statutory duty upon the competent authority which accompanies it.
30. Furthermore, it would appear that the appeal site falls within an area where recreational impact mitigation measures for The Brecks, North Norfolk Coast and The Broads as described in the Norfolk Green Infrastructure and Recreational Impact Avoidance and Mitigation Strategy (GIRAMs) are required. Natural England has provided revised advice regarding the need to ensure that new residential development and any associated recreational disturbance impacts on designated sites are compliant with the Habitats Regulations.
31. Whilst the effect of one additional pitch would be small, in combination with other development, based on a precautionary approach and the evidence before me, I conclude that the appeal scheme would be likely to have both a significant adverse effect on the integrity of the SAC due to the potential for an increase in nutrients entering the watercourse and in addition potential increased disturbance through recreational activity on the integrity of The Brecks, North Norfolk Coast and The Broads.
32. Given my findings, the Regulations place a duty on the competent authority to undertake an appropriate assessment of the implications of the appeal scheme in view of the designated sites' conservation objectives. However, in the absence of an agreed mitigation strategy to overcome the effects that have been identified in respect of nutrients and the lack of a mechanism to secure the contribution to mitigate the impacts of recreational pressure, I cannot be satisfied that the appeal proposal would not result in significant adverse effect to the integrity of the SAC.
33. The proposal would therefore fail to comply with the requirements of the Regulations as well as Paragraph 180(a) of the Framework which states that where significant harm to biodiversity resulting from a development cannot be adequately mitigated, then planning permission should be refused. As a result, it would not accord with Policy 18 of the JCS which seeks to ensure no detriment to the Broadland SPA, Broadland Ramsar and Broads SAC.

Other Matters

34. I have also taken into account the matters raised in the representations received including issues such as highway safety, noise and disturbance, loss of amenity, air pollution and loss of landscaping. Concern has also been raised relating to the impact on wildlife, local fauna and flora. However, there is no evidence before me that there would be harm in respect of these matters, and no objection has been raised by the Council or statutory consultees in regard to these matters. Therefore, none of the matters raised provide a compelling reason why planning permission should not be granted.

Other Considerations

35. The PPTS requires local planning authorities to identify and update annually a supply of specific deliverable sites sufficient to provide 5 years' worth of sites against locally set targets and identify a supply of specific developable sites. The Council confirms that it does not have a 5 year supply of pitches, with the evidence provided within the Greater Norwich 5 Year Gypsy and Traveller Sites, March 2022 putting the supply at 3.05 years, with a shortfall of 16 pitches. As such I consider that need for gypsy and traveller sites carries significant weight.
36. Article 3(1) of the United Nations Convention on the Rights of the Child states that the best interest of a child shall be a primary consideration. This means that no other consideration is more important. If I were to allow the appeal the appellant would be able to provide facilities to enable his children to spend quality time or stay overnight with him and to participate fully in their upbringing.
37. I have given significant weight to the benefits a settled base would bring, enabling the children to be supported by both parents to ensure ongoing educational attainment. An enduring settled base for their father would also support the children's welfare more generally by, for example, affording them a sense of security and continuity.

Planning Balance

38. In the overall planning balance, the benefits of the proposal, including that the development would contribute to the supply of gypsy and traveller pitches in the locality, and would provide a settled base for the appellant, are not sufficient in this case by virtue of the Habitat Regulations to outweigh the adverse effects on the integrity of the European designated nature conservation sites.
39. I attach substantial weight to my finding that mitigation cannot be assured to achieve nutrient neutrality or mitigate recreational disturbance. Consequently, there is no certainty that the proposal would not adversely affect the integrity of the European designated nature conservation sites. The proposal would be contrary to the development plan in these respects.
40. By virtue of the Habitats Regulations, agreement cannot be given to the project because the integrity of a European site would be adversely affected. Given the serious impacts upon the integrity of the designated sites and the accompanying conflict with the development plan as a whole, this is sufficient for me to conclude that the proposed development is unacceptable.
41. Dismissing the appeal would represent an interference with the potential home of the appellant such that Article 8 of the Human Rights Act is engaged. There is also a positive obligation imposed by Article 8 to facilitate the gypsy way of life.
42. The proposal would meet the needs of those persons with a relevant protected characteristic, by reason of race, and so, as required by section 149(1) of the Equality Act 2010, the public sector equality duty is applicable. There is therefore a need to have due regard to eliminating discrimination, advancing equality of opportunity and fostering good relations.

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43. The human rights interference associated with this conclusion is in accordance with the law and is necessary in a democratic society to protect environmental interests which is a legitimate objective. The public interest cannot be achieved by means that cause less interference with the appellant's rights. Therefore dismissing the appeal is a proportionate response in all the circumstances and a violation of rights under Article 8 would not occur.
44. In accordance with the public sector equality duty, due regard has been paid to minimising the disadvantages suffered by the intended occupier of the site as a person without a permanent home and to meeting their needs in so far as they are different to those without a relevant protected characteristic. Whilst ultimately the appeal is to be dismissed, these considerations have been at the forefront of the decision-making process. Because of the significant objections identified the outcome is a proportionate one.

Conclusion

45. The proposal would lead to significant adverse effect on the integrity of designated sites contrary to the requirements of the Habitat Regulations and in conflict with Policy 18 of the JCS. There are no other considerations which are of greater significance which would outweigh this finding or the conflict with the development plan as a whole.
46. For the reasons set out above, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

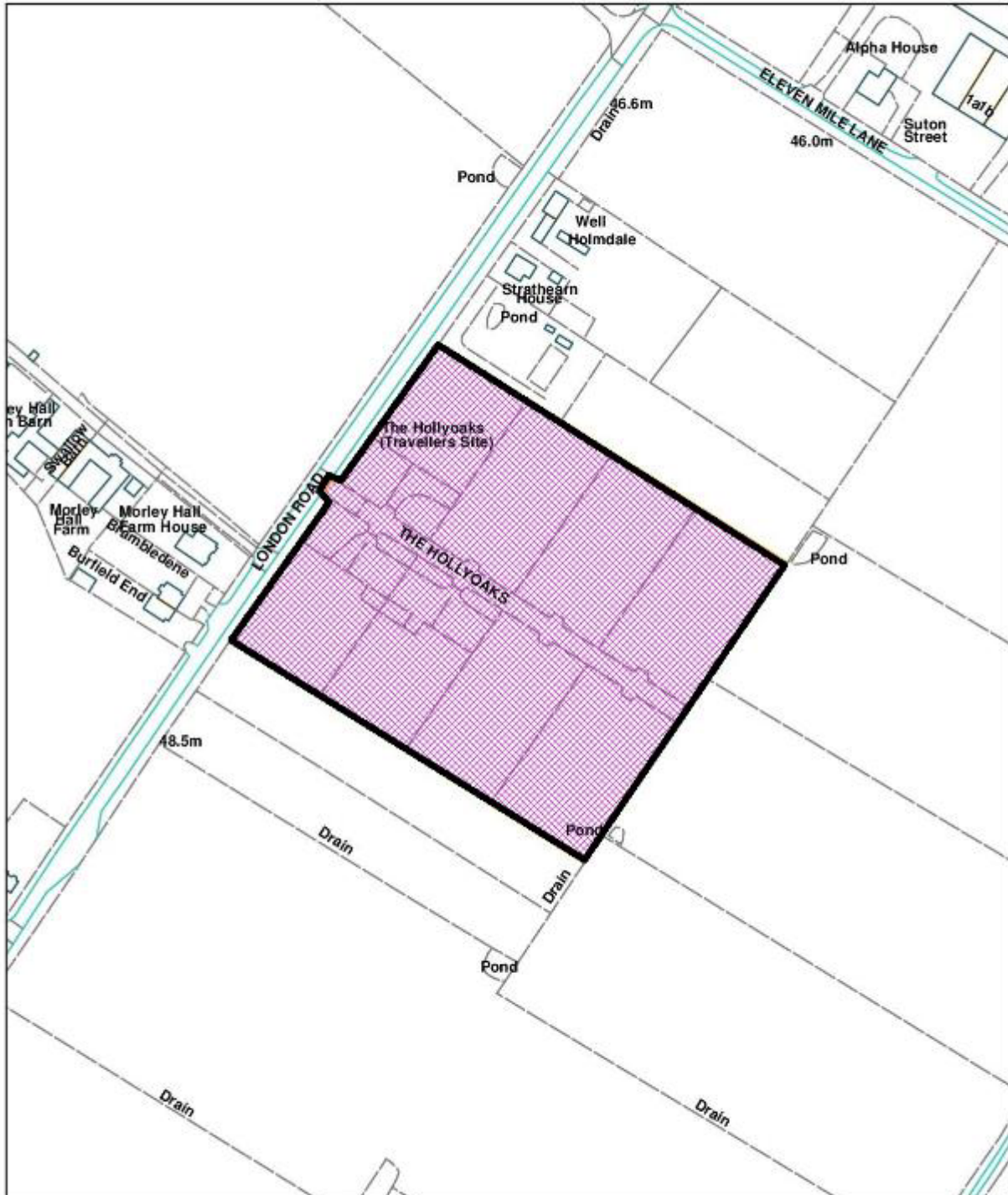
G Pannell

INSPECTOR

Enforcement Report

Application 3

2020/8033



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South Norfolk Council, Cygnet Court, Long Stratton, Norwich, NR15 2XE Tel (01508) 533633

Enforcement Report

3. Enforcement Ref: 2020/8033
Parish: SUTON

Site Address: Land at: Plots 1-8 south east side of London Road (Hollyoaks)
 Breach: Non-compliance with Enforcement Notice (material change of use)

Developers: Occupiers of the site represented by TMA

1. Background

- 1.1 This report was to be reported to the December 2022 Development Management Committee however was deferred prior to consideration due to the receipt of correspondence from Aardvark Planning Law who represented a group of residents at the appeal. The letter is attached as Appendix 2. The deferral was to enable the Council to consider the representation and also to seek legal advice on this.
- 1.2 In summary the letter states that the residents do not agree that the compliance period should be reconsidered; residents should have been consulted on the report; the Inspector made his decision taking all matters into consideration; and that we should give the occupants of the site 28 days to comply with the notice and if they do not the Council should proceed with both prosecution and direct action. The letter also recommends the council to seek legal advice on the appropriateness of its' recommendation.
- 1.3 Following deferral from the last Committee legal advice has been sought by the Council. Following that advice officers are reassured the content of the report and the procedure of bringing a report to the Development Management Committee for members to decide what action should be taken to be correct and lawful. The content of the letter has been taken into account and does not change Officers recommendations.
- 1.4 Planning permission was refused under ref: 2019/0330 on 23rd August 2019 for 'Change of use to allow formation of 8 No travellers pitches each with mobile home, hard standing for touring caravan and stable building'. The land then became occupied on the weekend of 8/9th February 2020, a Temporary Stop Notice was served on 10th February 2020 and then an Enforcement Notice and Stop Notice were served on 05/03/2020 to cease the unauthorised use of the land.
- 1.5 Both the planning refusal and enforcement notice were appealed but were dismissed by the Planning Inspector on 29th June 2021, the notice was upheld but varied to '*Remove all buildings, structures, material and equipment – including but not limited to all hardstandings and all fences and gates except those fronting the B1172 – associated with the residential use of the land from the site in their entirety*' and the compliance date for the notice to be complied with was 29th June 2022. The appeal decisions are attached as Appendix 1 for members information.
- 1.6 The site remains occupied in breach of the notice and two pitches have been split to create 2 additional pitches.

Assessment

- 1.7 It is an agreed position following the dismissed planning and enforcement appeal, as has been communicated and agreed with the occupiers, that the site is not acceptable in planning terms for the traveller use and needs to be vacated and returned to its former use. It has been made clear and accepted by the occupiers that no further application for such a use will be accepted for the site and the only options available are to find an alternative site and vacate the appeal site.

- 1.8 It should be noted that while Officers had engaged with the site occupiers/owners and their agents prior to the compliance date set by the Inspector there was not a breach that the Council could have enforced until that compliance date passed. In seeking to secure cessation of the use by the compliance date, it was evident that prior to the compliance date there were a series of factors that resulted in delays for the majority of the occupiers finding an alternative site. The occupiers newly appointed agent has worked positively in reflecting on the inspector's decision that whilst there is a need for Gypsy and Traveller provision across the GNLP area that this site is not an appropriate location and all efforts are being made to locate a new site.
- 1.9 The occupiers currently have no alternative site available to them. While it is not a requirement for the Council to find an alternative site for the occupiers, Officers have sought to understand the availability of existing sites in the area in helping inform its proposed actions to remedy the breach. Officers reviewed all existing sites within and in other districts, and it is evident that there are insufficient pitches at nearby sites or across Greater Norwich Local Plan Area (GNLP) to meet the need of the occupiers of the site at present.
- 1.10 The Council takes all breaches of planning control seriously and the distress the non-compliance has caused the local settled community is fully recognised. The Council also had full and due regard to the compliance period set by the Inspector on dismissing both the planning and enforcement appeal and the rationale for the period set.
- 1.11 Setting a compliance period is a matter of judgement of reasonableness having regard to the breach and the harms of the development. The Inspector concluded in the dismissed appeal that:
- "...The notice gives the occupants 12 months to vacate the site. This seems appropriately generous to me as they will be losing their established base and there is nowhere obvious for them to go. I do not think a shorter period is warranted, even though this appeal has dragged on since April 2020. The appellants are entitled to assume success and they should not be penalised for delays in the planning system. The appellants suggested a 5 year compliance period would be better, but that would be tantamount to granting a temporary planning permission and I have dealt with that above. There is no need to alter the compliance period."*
- 1.12 Having reached the end of the compliance period without compliance the Council has needed to consider what action would and should be taken to secure compliance.
- 1.13 The Council's Enforcement plan recognises that there is a range of enforcement measures and methods of seeking compliance available to it and will have regard to which power (or mix of powers) is best suited to dealing with any particular breach of control to achieve a satisfactory, lasting and cost effective remedy. It also recognises in general in respect of the how to secure compliance that wherever possible and appropriate the Council will seek to remedy breaches of planning control through negotiation and mediation.
- 1.14 The three main options open to the Council to secure compliance are: Direct Action, Prosecution Action or an Extension to the Compliance Period. Each of these options is explained below.

Option 1 – Prosecution Action

- 1.15 The council can pursue prosecution proceedings against non compliance with an enforcement notice.

Taking prosecution action can be a lengthy process, especially with the back log in the Courts system since Covid 19. Whilst prosecution action would punish those who have breached the notice and it clearly reinforces that notices should not be ignored; it does not remedy the breach as there is no additional requirement through prosecution action to comply. It is simply a punishment for not complying.

Option 2 – Direct Action

- 1.16 Direct action would involve the council carrying out the works to achieve compliance with the requirements of the notice.

This is not a straight forward process and can take months to organise and would involve substantial council resources, including officer time and legal advice/support, the Police, Bailiffs and contractors to assist in clearing the site and resultant storage of belongings.

The cost for which can mount up to be very significant. Whilst some or all of the costs can be recovered from the sale of the land it can take the council many years to recover the full costs.

It should be noted that whilst this would remedy the breach on this site, if there is not sufficient provision elsewhere in the districts the council are essentially making the occupiers homeless by such action. Due to the lack of provision in the GNLP area by displacing the occupiers from the current site it could be anticipated that the occupiers will occupy a new site as an unauthorised encampment. Given a number of the occupier's children are at local schools it is quite possible such an encampment would happen in the locality.

Option 3 – Extend compliance period

- 1.17 The third option is to extend the compliance period where there are reasons to do so and there are positive steps from the occupier to achieve compliance such that the Council has confidence that in doing so it is not merely delaying any direct action for a later date and instead finding satisfactory, long lasting and cost effective remedies to the breach.

The Inspectors decision to dismiss the appeal and uphold the enforcement notice was taken in similar circumstances to those at present where there was not a demonstrable five year supply of Gypsy and Traveller pitches, there was no obvious site available for the occupiers to relocate to and the human rights of the family and best interest of the children were taken into account. This has not changed.

Further as already set out in the report the Council considers that in setting a compliance period there is a matter of judgement of reasonableness having regard to the breach and the harms of the development. While the Inspector considered 12 months to be sufficient, the reality is that this period has not resulted in the cessation of the use and occupiers moving off the site.

There are two key factors that are influencing the availability of a site and help inform what a suitable alternative period for compliance might look like.

Firstly, the occupiers are now and have been for some months, positively and actively working to locate an alternative site to enable them to vacate the site. While it is disappointing that this had not been more proactive during the 12 month compliance period set, there is now a clear distinction between the activities by the travellers to secure themselves an alternative site (subject to planning and considered on its own merits) now compared to that initial period. While ultimately the Council is not required to allow further time, should we work positively with the occupiers to re-locate, the outcomes for all, albeit later than originally envisaged, would be more positive and long lasting.

Secondly informing the considerations for any extended compliance period is the status and progress of the Gypsy and Traveller allocations intended to be adopted through the Greater Norwich Local Plan (GNLP).

Allocations are intended to be delivered through the GNLP. The GNLP was submitted for examination in July 2021. Examination hearing sessions into the GNLP were held during 2022. Further sessions are expected in 2023. These will deal with such subjects including the housing trajectory, mitigations to deal with nutrient neutrality in river basins, and the identification of site allocations for Gypsies and Travellers.

It is currently expected that a consultation on potential Gypsy and Traveller sites will be undertaken in early 2023. Following the end of the consultation, examination hearing sessions on Gypsy and Traveller sites are then anticipated in summer 2023, with a consultation on main modifications expected in Autumn 2023. Whilst the exact timetable may be subject to change subject to the outcome of these hearing sessions, it is currently expected that the GNLP will be adopted in early 2024.

There is therefore a reasonable expectation that when the Plan is adopted in early 2024, sufficient sites should have been allocated to meet the objectively assessed needs for Gypsies and Travellers in the Greater Norwich Area.

These two factors taken together indicate that a further 18 months compliance period would be an appropriate period. This would align to the expected adoption of sites through the GNLP and give greater time for the proactive action now being taken by the occupiers to find themselves an alternative site in parallel.

2 Recommendation:

- 2.1 Officers recommended course of action is to extend the compliance period by 18 months from the date of the committee (as set out in Option 3) only, and at this stage while the GNLP is still in progress and the occupiers are actively and positively engaged in securing an alternative site, no other formal action is taken.
- 2.2 Officers consider that the option recommended would assist in finding a permanent solution to balance the needs for both the settled and travelling communities. Comments of the Solicitor acting on behalf of Interested Parties have been taken into account and do not alter the suggested recommendation to Members. Members are asked to endorse the recommended approach.
- 2.3 The harm identified by the Inspector in dismissing the planning and enforcement appeal and balancing the human rights and best interests of the Children in reaching that decision is unchanged in terms of the site being unsuitable for the use. Regard has been had in this recommendation in respect of the compliance period to the best interests of the children on the site along with the human rights of the occupiers and considerable weight has been afforded to this. While the Council considers the harms are not outweighed by this, this is clearly a factor in seeking a reasonable further period for compliance.

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Appendix 1



The Planning Inspectorate

Appeal Decisions

Hearing Held on 16 June 2021

Site visit made on 16 June 2021

by **Simon Hand MA**

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 29 June 2021

Appeal A: APP/L2630/C/20/3250478

Land at Plots 1-8 South East Side of London Road, Sutton, Wymondham

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
- The appeal is made by Ms Christine Falquero against an enforcement notice issued by South Norfolk District Council.
- The enforcement notice, reference: 2020/8033, was issued on 5 March 2020.
- The breach of planning control as alleged in the notice is without planning permission, change of use of the land from agricultural land to land used for residential purposes, for the standing of caravans for human habitation and the standing of associated timber buildings and structures.
- The requirements of the notice are i) Remove all the mobile homes/caravans from the site in their entirety. ii) Remove all buildings, structures, material and equipment associated with the residential use of the land from the site in their entirety. iii) Cease the residential use of the land.
- The period for compliance with the requirements is 1 year.
- The appeal is proceeding on the grounds set out in section 174(2) (a), (b), (c), (d), (e), (f) and (g) of the Town and Country Planning Act 1990 as amended.
- Appeals on the same grounds except for (a) have also been made by Ms Debra Tidd (3250479), Ms Violet Smith (3250480), Mr Jimmy Smith (3250481), Mr Andrew Biddle (3250482), Ms Jodie Barham (3250483), Mr William Tidd (3250484), Ms Jeanette Tidd (3250485), Mr Nathan Young (3250486), Ms S Smith (3250487) and Mr A Tidd (3254088).

Appeal B: APP/L2630/W/20/3246540

Land at Plots 1-8 South East Side of London Road, Sutton, Wymondham

- 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 Ms S Smith against the decision of South Norfolk District Council.
- The application Ref 2019/0330, dated 6 February 2019, was refused by notice dated 23 August 2019.
- The development proposed is change of use of the land to allow formation of 8 No plots each with mobile home, day room, hard standing for touring caravan and stable building.

Decisions

Appeal A and all other Enforcement Appeals

1. It is directed that the enforcement notice be varied by deleting requirement (ii) and replacing it with "ii) Remove all buildings, structures, material and equipment – including but not limited to all hardstandings and all fences and

<https://www.gov.uk/planning-inspectorate>

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gates except those fronting the B1172 - associated with the residential use of the land from the site in their entirety". Subject to this variation the appeals are dismissed and the enforcement notice is upheld, and planning permission is refused on the application deemed to have been made under section 177(5) of the 1990 Act as amended.

Appeal B – 3246540

2. The appeal is dismissed.

Preliminary Matters

3. The appeals were made on all grounds. At the hearing the appellants withdrew the ground (e) appeal. I had already explained that complaints about the use of correct delegations by the Council was not a matter for an appeal under s174.
4. The appeals on (b), (c) and (d) were primarily concerned with the gates and fences that had been constructed on the site. The appellants argued these were permitted development in any event and so could not be attacked by the notice. The Council pointed out the word "structures" in the notice could be read so as to not mean gates and fences and so were happy for me to correct the requirements to make this clear. However, as Mr Charles, who represented a number of local residents said, the gates and fences could be taken to be part of the material change of use and so could be required to be removed by the notice. I agree, and this is something I shall consider under ground (f).
5. Similarly, the appellants argued the notice did not specifically include the hardstanding that had been laid, which is correct, but it does require all the "buildings, structures, material and equipment associated with the residential use" to be removed from the land. If the hardstanding was laid as part and parcel of the material change of use then that too can be required to be removed. There are thus no substantive arguments on grounds (b), (c) and (d).

The Appeal on Ground (a) and the Planning Appeal

6. The site lies in the countryside, on the south-eastern side of the B1172 which runs from the junction with the A11 to Wymondham. I was informed this is the old A11 before Wymondham was bypassed. Morley Hall Farm lies opposite the entrance to the site.
7. The current development plan for the area comprises the Joint Core Strategy (JCS) amended in 2014 (which covers Broadland, Norwich and South Norfolk) and the South Norfolk Local Plan Development Management Policies Document (2015). These are due to be superseded by the Greater Norwich Local Plan, which covers the same area as the JCS. This latter document is at an early stage and is yet to be submitted for Inquiry. The appellants have registered objections to the draft version. I shall give this document little weight.
8. The JCS policies are pretty general, dealing with climate change, design and local transport, the more directly relevant policies are in the local plan. DM 1.4 deals with environmental quality and local distinctiveness; DM 3.10 promotes sustainable transport; DM 4.5 landscape character; 4.10 heritage assets and of most relevance DM 3.3 deals with gypsy and traveller sites. In addition the

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Council consider they have planned for a 5 year supply of gypsy sites which is disputed by the appellant.

9. The main issues in the appeal are therefore whether there is a 5 year supply of sites and if so whether there are any alternative sites for the appellants? Where is the site located in relationship to nearby settlements or communities and how would it impact on them? Does it have an impact on the character of the local area and any local heritage assets, and finally the personal circumstances of the appellants?

5 Year Supply Issues

10. The question of a 5 year supply depends on the validity of the Accommodation Needs Assessment produced in 2017 for the greater Norwich area. This was discussed at a Hearing¹ held back in 2018 when the Inspector concluded that although he had reservations about the ANA it was the best available published evidence and the Council did have a 5 year supply.
11. It is clear the ANA is not a full scale Gypsy and Traveller Accommodation Needs Assessment (GTAA), but a rather more broad-brush accommodation assessment of people not living in bricks and mortar, such as gypsies and boat dwellers. The details of the evidence which underpins its conclusions is not reproduced, apparently for reasons of confidentiality, but this does make it difficult to gauge how comprehensive it is. The appellants claimed there are numerous gypsy families that have not been included, but it is certain the current appellants say they have never been approached and because of the lack of transparency surrounding the ANA it is impossible to verify this.
12. Of greater significance in my view is that it seems to have relied on information from the Council and so only looked at sites that already had planning permission or in one case was unauthorised. I find it hard to believe there was only a single unauthorised gypsy camp in the district. Also, as far as I can tell, there is no allowance for any inward migration.
13. In May of this year the Council produced an ANA addendum, which shows that based on the figures in the ANA they have a 5.27 year supply of pitches. I have no reason to doubt the mathematics of that report but it depends entirely on the validity of the ANA in the first place. The ANA was originally produced as a document to inform the GNLP, which is still moving slowly along the path to a local plan inquiry at which the ANA can be tested for the first time. Assuming that inquiry does take place this year the original research for the ANA will be five years out of date. It also seems the appellants, who require 8 pitches, were not included in the ANA, that alone would affect the 5 year supply figure. Consequently, I am less sanguine than the Inspector in 2018 about the value of the ANA and do not consider I can find the Council does have a reliable 5 year supply of gypsy sites.
14. Whatever my conclusions on the 5 year supply however, it remains undisputed that the appellants have nowhere else to go. They have mostly been living on the road in recent times. Several of them were at another site, Romany Meadows, but were evicted as the owner wants to put that forward for housing. Mr Carruthers argued this was a recurring problem for gypsy sites especially those on the edge of settlements. If the site is sustainably located then its

¹ APP/K2610/W/17/3189064, Honingham Road, issued 31 August 2018

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value for housing is considerably greater than as a gypsy site. Further back in 2005 several of the families were involved in the Kingsland Farm² appeal and at that time it was noted they were itinerant, living mostly on the road and had nowhere else to go. The Inspector also noted it should now be clear to the Council that gypsy sites were required in the area far quicker than the then local plan timetable would allow. So it is clear that at least some of the families have been well known to the Council for many years, so it is odd they have not been included in the latest ANA.

15. Consequently, the lack of a 5 year supply of gypsy sites and the lack of any alternative accommodation weigh in favour of the appeal.

Relationship of the site to the settled community

16. There is no dispute the site is located in the open countryside and it was accepted at the Hearing that it is away from the nearest settlement. PPTS at paragraph 25 advises that new sites in the countryside away from existing settlements should be very strictly limited. It goes on to say such sites should respect the scale of and not dominate the existing community.
17. Having carefully looked around the area on my site visit my impressions confirmed the view from the Ordnance Survey map and aerial overlays that it is largely pleasant, open countryside with very scattered dwellings and farms. The nearest grouping of buildings that I would consider to be a settlement is Spooner Row, some way to the south beyond the A11 and the railway, and this is very small. Sutton itself is just part of the general scatter of properties in the area. Morley St Botolph has more the feel of a village, but is a couple of kilometres to the north, while Attleborough and Wymondham, more substantial towns lie to the east and west respectively along the A11, 3-4 km away. I have no reason to dispute therefore that the site is in the open countryside and is away from local settlements.
18. What comprises the "nearest settled community" as described by the PPTS was subject to some discussion. In my view none of the villages or towns mentioned above are near to or affected by the appeal site. The nearest settled community is clearly not the same as the nearest settlement, or that phrase would have been repeated. The appellant argued the Parish of Spooner Row formed the settled community and that consisted of over 700 people. I do not agree otherwise the idea of dominating the settled community would have no real meaning unless the gypsy site was big enough to dominate an entire parish. In my view the nearest settled community is the scatter of houses and farms that lie within a kilometre or so of the site.
19. I do not agree with some of the more fanciful estimates of numbers on the appeal site, but 8 families with their dependants is a sizeable number of people without counting any visiting families travelling in the area. Within the context of the local settlement pattern the site amounts to a small village in its own right and with the numbers of people and its compact nature it would clearly dominate the locality and so be contrary to DM 3.3 1(a).
20. In reaching this conclusion I have not taken into account the nearby gypsy site at Chepore Lane, which lies about 1/2km to the south adjacent to the junction with the A11. This was allowed by the Council in 2012 for 8 pitches for an

² APP/L2630/A/04/1151371, issued 22 June 2005

extended Romany gypsy family, much the same as the current appellants. Its very isolation was taken to not dominate the local community and it does seem as if few people live nearby, which is not the same as the appeal site. The general view of local residents was that they already have a gypsy site and one is enough. While I would not put it quite in those terms, it is clear that two, 8 pitch sites, in such a scattered and sparsely populated community would clearly be disproportionate and so contrary to DM 3.3 1(l)

Access to services

21. Access to local services would appear to be reasonable. The local senior school is Wymondham College, which is in the grounds of Morley Hall, across the road from the site, but actually a couple of kilometres away by road. It is a similar distance to the nearest primary schools at Morley St Botolph and Spooner Row, the latter having a station as well. There is a bus stop on the road near to the site which provides a service to Attleborough and Wymondham. Despite this, it was accepted that the occupants of the site would be dependent on the car for access to local services. That is because of the realistic acceptance that culturally gypsies are most likely to drive, but also because the surrounding road network is not conducive to walking. Even the bus stop, which would ordinarily be considered within walking distance was along the B1172, which is straight and well trafficked at fast speeds and with no pavement or lighting. The verge would also not seem to be easily walked on, so the bus stop is essentially out of reach of the site.
22. I agree therefore that the local facilities are most likely to be predominantly accessed by car. Nevertheless, they are nearby and the site is well connected for a rural gypsy site. It is accepted that by their very nature gypsy sites are likely to be rural and that locational sustainability criteria can be relaxed slightly when compared to permanent housing. There is also the difficulty to quantify contribution that having a settled base would make compared to being on the road. This would seem to be recognised by DM 3.3 which says that gypsy sites should *"not be so isolated from Settlements that the occupiers cannot gain convenient access to schools and facilities to meet their daily needs"*. Taking all that together therefore I do not think the proposal is unsustainable and so is not contrary to DM 3.3 1(f).

Impact on landscape and heritage assets

23. The local parish has a complex administrative history, but that does not detract from the essential landscape characteristics of the area. The Council's Landscape Character Assessment describes the area as a *"pleasant rural working landscape of farmland with sparse settlement comprising villages and isolated dwellings"*. The most relevant of the development considerations is to maintain the perception of the rural working landscape and for proposed development to relate to the existing pattern of small villages and scattered development.
24. I would agree with these assessments, the area is pleasantly agricultural, with fields bounded by hedges and trees and generally quiet rural lanes. There are long views across the landscape as it is predominantly flat and the site is clearly visible from Chepore Lane, across the fields to the east. Even where local development straggles along the road, each house is well separated from its neighbours, set back and often hidden by hedges and trees. Within this landscape the site stands out as an alien intrusion that looks entirely out of

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place. It will be a densely populated block of caravans, mobile homes, stables, day rooms and vehicle parking on an otherwise flat open field that is wholly incongruous within the landscape context of its surroundings.

25. What makes it worse is the central road that has been laid down the middle of the site and the extensive fencing that divides the 8 plots, made of concrete posts with wooden panel inserts. A number of the pitches have also had hardstanding put down and this gives an indication of how the final site will look. Essentially it looks like a small village made up of caravans and mobile homes that is set to become more developed if the appeal is allowed.
26. Some of these issues, such as with the fencing, could possibly be dealt with by conditions, although no proposed landscaping or boundary treatments have been suggested, but that would not overcome the fundamental objections I have identified. In my view it is out of place, intrusive and harmful. It is thus contrary to DM 3.3 1(d). It will also harm local character and distinctiveness, contrary to DM 1.4(d)(i) and DM 4.5.
27. There is a pair of estate cottages opposite the site which are non-designated heritage assets. These are attractive substantial Edwardian cottages with distinctive chimneys and half-timbered gables. The NPPF and DM 4.10 require that the impact on the significance of any non-designated heritage assets is taken into account in reaching planning decisions. Here the impact is limited to the setting of the cottages. Historically they fronted the main road in an isolated position within the patchwork of local fields. At present this situation would still pertain if it wasn't for the appeal site. Given my conclusions above on landscape harm, it follows there is considerable harm to the setting of the cottages which would no longer be isolated in the countryside but opposite a busy campsite.
28. Although I have been given no information on whether the cottages are particularly rare it does seem they are a good example of their type and are a prominent feature in the immediate neighbourhood. The impact on their setting is considerable and this is contrary to DM 4.10.

Personal circumstances

29. I have no reason to doubt the appellants are all gypsies who fall within the definition in the PPTS. It was explained the families are interrelated or have other close ties. It would seem that three of the families have children of various ages, all of whom would benefit either now or in the future from a stable home from which to access schools and medical facilities and one of the occupants suffers from an illness that requires frequent hospital attendance. The other families either seem to be older or young working couples. I have no independent verification of any of these facts but no reason to disbelieve them.
30. Certainly some of the appellants have been on the road for a long time and have been involved in various attempts to find settled accommodation, to no avail and Mr Jay made an impassioned speech to this effect at the hearing.

Other issues

31. A number of other issues were raised by local residents. They were concerned at the speed of traffic on the B1172, which is straight and fast. However, there were no technical objections from the highway authority, I assume because visibility was good and it wasn't actually that busy in the greater scheme of

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things. The site would be well screened and secured from the road so there should be no specific highway problems.

32. Local residents also were concerned about flooding. Photographs showed part of the field with large puddles but they hardly represent a danger to the occupants. The site is not in a flood zone and there is no evidence flooding would render the development unsafe. There was also a discussion about the treatment of sewage. It is not unusual for any development, not just gypsy sites, to come forward and expect to deal with foul and rainwater treatment through conditions. Unless there is evidence that there are specific problems at a particular site there is usually a technical solution that can be found.

Conclusions

33. I am obliged to consider the best interests of the children, which is a primary consideration, and have had that uppermost in my mind, along with the human rights of the appellants, their right to a home and to retain their cultural lifestyle. All of these attract considerable weight. I have also concluded the Council does not have a 5 year supply of sites and the appellants do not have any alternative accommodation. However, the site is prominent and incongruous and causes significant harm to the landscape, it harms the setting of the nearby non-designated heritage assets and is disproportionate in size and would dominate the nearby settled community. These factors are sufficiently serious and of sufficient weight that they are not outweighed by the factors in favour of granting planning permission.
34. I note the Council allowed the nearby site at Chepore Lane against officers' advice on the basis of a shortage of gypsy sites in the area and that it was not harmful to the character of the area. Chepore Lane is indeed tucked away close to a roundabout junction with the A11 and has quite a different impact on its surroundings than the appeal site. Consequently, while I recognise the situation the appellants are in, I consider this to be the wrong site in the wrong location. The interference in their human rights is proportional and the harm caused significant enough to warrant dismissal even considering the best interests of the children.
35. A temporary condition was considered, the appellants suggested 5 years, but agreed that not a lot was likely to change in that time. In my view, the locational disadvantages would not be affected by a temporary condition, the harm is immediate and continuing. A temporary condition is not therefore warranted. A large number of other conditions were discussed but they deal with the specific issues raised by a grant of planning permission and do not affect the outcome of the appeal. I shall therefore dismiss the appeals and uphold the notice.

The Appeal on Ground (f)

36. I agree that the allegation does not mention the fences or the hardstanding but it is directed against the material change of use. It uses the unusual phrase "standing of associated timber buildings and structures". I assume this is because at the time the notice was issued there were no permanent day rooms or other structures apart from a few timber sheds and stables, which the Council would seem to allege are placed on the land as part of the material change of use rather than comprising separate operational development.

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37. However, exactly what is meant is not important as the requirements are to cease the use and to remove the caravans and *"all buildings, structures, material and equipment associated with the residential use of the land from the site"*. It is thus clear exactly what the scope of the notice is. Anything that has been introduced to the field that is part and parcel of facilitating a gypsy site should be removed. Apart from the fence fronting the B1172, which could be said to be useful for agriculture, all the rest of the structures, stables, the fences and gates that sub-divide the site into plots, the individual hardstandings and the access road that runs through the site are part of the material change of use and would serve no purpose without it. They all fall comfortably within the long established and well known series of court judgements beginning with *Murfitt*³ in 1980 and culminating, as far as I am aware, with *Kestrel Hydro*⁴ in 2016, which confirm that works associated with a material change of use can be removed if they were integral to that change of use.
38. Mr Carruthers relies on a different case, *Egan v Basildon*⁵ from 2011, which was part of the long running Dale Farm controversy. This was an injunction to prevent the council from over-enforcing their notice. It was held the Council could only remove structures such as fences, gates and walls, which were unlawfully constructed prior to the issue of the enforcement notice if they were included in the notice itself. The Council couldn't rely on the principle of enabling works *"which exists at common law or by virtue of section 111(1) of the local government Act 1972"*. No mention is made of *Murfitt* or the other pre-2011 cases I have referred to above. That is because these are two separate issues. In this appeal the notice does refer to all the fences, gates, hardstandings etc in the catch-all phrase *"all buildings, structures, material and equipment associated with the residential use"*. Thus the principles outlined in *Egan* do not arise.
39. Given that this is a matter of dispute I shall vary the requirements to make it clear they refer to all the hardstanding and the fences and gates other than those fronting the B1172.

The Appeal on Ground (g)

40. The notice gives the occupants 12 months to vacate the site. This seems appropriately generous to me as they will be losing their established base and there is nowhere obvious for them to go. I do not think a shorter period is warranted, even though this appeal has dragged on since April 2020. The appellants are entitled to assume success and they should not be penalised for delays in the planning system.
41. The appellants suggested a 5 year compliance period would be better, but that would be tantamount to granting a temporary planning permission and I have dealt with that above. There is no need to alter the compliance period.

Simon Hand

Inspector

³ *Murfitt v SSE & East Cambridgeshire CC* [1980] JPL 598

⁴ *Kestrel Hydro v SSCLG & Spelthorne BC* [2015] EWHC 1654 (Admin), [2016] EWCA Civ 784

⁵ *Mr Patrick Egan v Basildon BC* [2011] EWHC 2416 (QB)

Appeal Decisions APP/L2630/C/20/3250478, APP/L2630/W/20/3246540

APPEARANCES

FOR THE APPELLANT:

Stuart Carruthers – Agent
Simon Jay – Appellant

FOR THE LOCAL PLANNING AUTHORITY:

Adam Banham – South Norfolk District Council
Andy Baines
Glen Beaumont
John Shaw – Norfolk County Council (highway matters)

INTERESTED PERSONS:

Sebastian Charles – solicitor representing a group of local residents
Rachel Hall
Shaun Daly

DOCUMENTS

- 1 List of appellants and plots
- 2 Plan of site with plot numbers and relevant appellants noted

Appendix 2



South Norfolk District Council
Thorpe Lodge
1 Yarmouth Road
Norwich
NR7 0DU

FAO: Andy Baines andy.baines@southnorfolkandbroadland.gov.uk

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Also copied direct to members of the Development Management Committee

Dear Sirs

Enforcement Ref: 2020/8033

Parish: SUTON

Site Address: Land at: Plots 1-8 south east side of London Road (Hollyoaks)

Breach: Non-compliance with Enforcement Notice (material change of use)

As you are aware we acted for a group of local residents and appeared on their behalf when the above matter was considered at appeal in June 2021.

Our clients in this matter have raised with your officers the Council's failure to act to properly enforce the Inspector's appeal decision. That decision was to allow a "generous" period for compliance until June 2022. That legal requirement has not been complied with by the occupiers who are committing a criminal offence by remaining in occupation in direct contravention of the notice.

Our clients are now dismayed and concerned to read that notwithstanding the detailed consideration of all the issues at the appeal officers are now recommending no further action be taken for a period of 18 months to enforce the notice. We consider this to be both extraordinary and perverse. Our client's do not understand why the Council is reopening the question of when the site should be cleared. All the relevant issues were clearly considered at the appeal including the Council's alleged failure to provide other sites and the occupiers having nowhere else to go. Nothing has changed in the meantime that would justify taking a different view now. A further 18 month period is tantamount to granting a temporary consent for 2 years. The question of a temporary consent was carefully considered and rejected by the Inspector at the appeal, and nothing has changed.

Furthermore the residents are concerned that this 18 month (in effect 2 year) stay of execution of the enforcement notice has been recommended to members by officers without any consultation with the residents and furthermore that public speaking on the matter at committee is banned, and the District Councillor is also unable to speak on the matter given his previous comments. This is entirely inappropriate and undemocratic. The residents having already fully participated in an enforcement

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appeal hearing, expect the properly made decision of the Planning Inspector to be upheld, and not for it to be undone by officers in a process they are excluded for, and a temporary permission granted by the back door, when that was expressly ruled out by the Inspector. No good reason has been given by officers and indeed no good reason can be given because nothing has changed and the decision taken by the Inspector was fully reasoned and took into account all relevant factors.

The matters considered by the Inspector in the proper public forum of a planning hearing should not now be re-opened in a process from which the residents are excluded. All the residents want and expect is the Council to properly fulfil its duties to uphold the law. The problem with not doing so is it completely undermines public confidence in the planning system. What is the point of complying with planning law and participating in proper planning process if correct and lawful decisions are not going to be enforced? Whilst officers have asserted that enforcement is at the Council's discretion, that discretion is limited and does not extend to undoing a properly made Inspector's decision, made in a public process, for no good reason. Officers say there is nowhere else for the occupiers to go, but that was the case when the appeal was determined and nothing has changed. Whilst the occupiers think the Council will continue to be a soft touch and let months (and now proposed years) pass without any action there is no incentive for them to work on solutions. Officers say they don't want to create another Dale Farm, but the answer to that is the longer this Council continues to undermine Inspector's decision and allow unauthorised development to continue for long periods, word gets round and the Council will attract people who seek not to comply with the planning system from far and wide, thus putting the Council to greater expense to protect the interests of its lawful residents.

In summary we submit that the proposal put to members to refrain from enforcement action for a further 18 months is perverse, no good reason has been given and no new considerations arise that were not already taken into account by the Inspector already.

Instead residents propose that a period of no more than 28 days be allowed for the occupiers to move on and complete the required works, having due regard to the Christmas season. After that both Option 1 prosecution and Option 2 direct action should be pursued by the Council as soon as reasonably practicable. Option 1 is to act as a deterrent to further breaches of planning control, sending out a strong message that the Council intends to uphold appeal decisions and planning law. Option 2 is now much easier and less costly to enforce given recent caselaw developments in respect of cases against persons unknown. Both options may take a long time, but that is clearly a reason to act now. If the process is going to take a long time, then start it now not wait another 18 months before taking action that might take another 18 months. Furthermore any monies received, or saved, arising from the breach of the enforcement notice (which is a criminal offence) are proceeds of crime and it would be entirely usual for the Council to seek to recover any such sums as part of a prosecution, this is a matter of law and a further disincentive to breach planning law.

We request on the strongest possible terms that the Council take proper legal advice on the contents of this letter and the appropriateness of the current officer's recommendation, and an amended recommendation be put to members at the meeting. We and our clients will be attending either in person or virtually to verify the decision making process (notwithstanding we are excluded from it).

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Yours faithfully

Sebastian Charles

For and on behalf of Aardvark Planning Law

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Planning Appeals**Appeals received from 2 December 2022 to 20 December 2022**

Ref	Parish / Site	Appellant	Proposal	Decision Maker	Final Decision
None					

Planning Appeals**Appeals decisions from 2 December 2022 to 20 December 2022**

Ref	Parish / Site	Appellant	Proposal	Decision Maker	Final Decision	Appeal Decision
2021/0029	Land north of School Lane Little Melton Norfolk	Mr and Mrs Cole	Outline application for 6 no. dwellings with all matters reserved other than access	Delegated	Refused	Appeal Dismissed