

Agent

Mr Alan Presslee
Cornerstone Planning Ltd
Greenlands
7 Nelson Road
Sheringham
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Applicant

Deal Farm Biogas Ltd
Stublach
King Street
Lach Dennis
Northwich
CW9 7SE

DECISION NOTICE

Town and Country Planning Act 1990

Reference : 2022/1108
Application Type : Full Planning Permission
Applicant : Deal Farm Biogas Ltd
Location : Deal Farm Kenninghall Road Bressingham Norfolk IP22 2HG
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 Revised application following withdrawn planning application 2021/2788.
Date of Decision : 14 December 2022

Permission **has been refused** for the carrying out of development referred to above for the following reasons:

1. The highway network serving the site is considered to be inadequate to serve the development proposed, by reasons of its poor alignment, restricted width, lack of passing provision, substandard construction and restricted forward visibility. The proposal, if permitted, would be likely to give rise to conditions detrimental to highway safety contrary to policy DM3.11 of the Local Plan. Furthermore, the development would not accord with paragraph 110 of the NPPF as a safe and suitable access to the site cannot be achieved for all users, and paragraph 111 as there would be an unacceptable impact on highway safety.
2. The application is not supported by sufficient transport information to demonstrate that the proposed development will not be prejudicial to the satisfactory functioning of the highway and highway safety also contrary to policy DM3.11 of the Local Plan.
3. The proposed development would result in significant adverse impacts on the distinctive landscape characteristics of the area as even after the proposed

mitigation planting has matured the digestion plant domes will still be a detracting feature on longer distance views and are of a scale and shape that are atypical of the architectural built form qualities that emphasise the largely rural character of the landscape whilst the West Lagoon will appear as an engineered landscape feature in the landscape which will be accentuated by the proposed mitigation measures. As a consequence the proposed development will be contrary to policy DM4.5 of the Local Plan.

4. As a consequence it is considered that the development would result in significant adverse effects that outweigh the benefits of the renewable energy generated by the development and therefore the development does not comply with policy DM4.1 of the Local Plan

Informatives

1. The authority confirm that it does work in a positive and proactive manner, based on seeking solutions to problems arising in relation to dealing with planning applications, however due to the conflict of this particular proposal with adopted policy in regard to the impact on the highway network and the landscape it is not possible to support the proposed development and find a solution to the planning issues.

The attached notes also form part of this decision notice.

A handwritten signature in black ink, reading 'Helen Melors', with a horizontal line drawn underneath the name.

Assistant Director - Planning

How did we do? Let us know your feedback on the service you received.

<https://www.smartsurvey.co.uk/s/CSANew2021/>

Information relating to appeals against the decision of the Local Planning Authority.

If you are aggrieved by this decision to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990 or Section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Time periods to submit appeal

If the application relates to minor commercial development (as defined in Article 2 of the Town and Country Planning (Development Management Procedure) (England) Order 2015) this should be submitted with **12 weeks** of the date of this notice

If the decision relates to the same or substantially the same land and development as is already the subject of an enforcement notice, any appeal must be submitted within **28 days** of the date of this notice

If an enforcement notice is served relating to the same or substantially the same land and development as in your application and if you want to appeal against the decision on your application, then you must do so within: **28 days** of the date of service of the enforcement notice, or within 6 months of the date of this notice, whichever period expires earlier.

In all other cases the appeal should be submitted within **six months** of the date of this notice.

If you intend to submit an appeal that you would like examined by inquiry then you must notify the Local Planning Authority and Planning Inspectorate (inquiryappeals@planninginspectorate.gov.uk) at least 10 days before submitting the appeal. Further details are on GOV.UK

The Secretary of State can allow a longer period for giving notice of appeal, but he will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal. The Secretary of State need not consider an appeal if it seems to the Secretary of State that permission for the proposed development could not have been given by the Council or could not have been given without the conditions imposed having regard to the statutory requirements, to the provisions of the development order and to any directions given under a development order and to any directions given under a development order.

In practice, the Secretary of State does not refuse to consider appeals solely because the local planning authority based their decision on a direction given by him.

Appeals can be made online at <http://www.gov.uk/appeal-planning-decision> If you are unable to access the online appeal form, please contact the Planning Inspectorate to obtain a paper copy of the appeal form at Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN or tel no. 0303 444 5000

Purchase Notices

If permission to develop land or carry out works is refused or granted subject to conditions, whether by the Council or by the Secretary of State for the Environment, the owners of the land may claim that the land has become incapable of reasonably beneficial use by the carrying out of any development which has been or would be permitted.

In these circumstances, the owner may serve on the Council a purchase notice requiring the Council to purchase his interest in the land in accordance with the provisions of either Part VI of the Town and Country Planning Act 1990.

