

<b>ITEM:</b>		<b>RECOMMENDATION:</b> REFUSAL
<b>REF NO:</b>	3PL/2021/1690/F	<b>CASE OFFICER</b> Matthew Blackie
<b>LOCATION:</b>	OLD BUCKENHAM Land At 608360 291240 Cuffer Lane	<b>APPNTYPE:</b> Full
<b>APPLICANT:</b>	Mr Ashley Whaley 64 - 66 Westwick Street Norwich	<b>POLICY:</b> Out Settlemnt Bndry
<b>AGENT:</b>	Plandescil Ltd Plandescil Ltd 42-44 Connaught Road	<b>CONS AREA:</b> N
<b>PROPOSAL:</b>	Change of use of land from agriculture land to mixed use of agriculture and leisure & domestic use (retrospective). Erection of fencing, entrance gate, bell tent, outdoor kitchen, chicken feed store, beehives, chicken feed store, chicken coop & earth bund and alterations to existing pond (retrospective).	
		<b>LB GRADE:</b> N
		<b>TPO:</b> N

#### REASON FOR COMMITTEE CONSIDERATION

The application is brought to Planning Committee due to a call in from the local ward member and public interest in the application.

#### KEY ISSUES

Principle of Development  
Design & Appearance  
Impact on Amenity  
Impact on Highways  
Ecological Considerations  
Nutrient Neutrality  
Other Matters

#### DESCRIPTION OF DEVELOPMENT

The application seeks retrospective planning permission for change of use of land from agriculture land to mixed use of agriculture and leisure & domestic use (retrospective). Erection of fencing, entrance gate, bell tent, outdoor kitchen, chicken feed store, beehives, chicken feed store, chicken coop & earth bund and alterations to existing pond (retrospective).

#### SITE AND LOCATION

The site is a green field that measures 1.9ha and it is situated to the north of New Buckenham, it is situated inside the parish of Old Buckenham. Development has commenced on site with various works and structures erected including fencing, entrance gate, bell tent, outdoor kitchen, chicken feed store, beehives, chicken feed store, chicken coop & earth bund and alterations to existing pond.

The site is situated on Cuffer Lane, the road is single track and provides access to the north of New Buckenham.

**EIA REQUIRED**

No

**RELEVANT SITE HISTORY**

3PL/2021/1528/F

Erection of a New Agricultural Building

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**POLICY CONSIDERATIONS**

The following policies of the Breckland Local Plan, including the Proposals Maps, have been taken into consideration in the determination of this application. The provisions of the National Planning Policy Framework and National Planning Policy Guidance have also been taken into account, where appropriate

COM01	Design
COM03	Protection of Amenity
ENV02	Biodiversity protection and enhancement
ENV05	Protection and Enhancement of the Landscape
GEN02	Promoting High Quality Design
NPPF	National Planning Policy Framework (Revised 2021)
NPPG	National Planning Practice Guidance
TR01	Sustainable Transport Network
TR02	Transport Requirements

**OBLIGATIONS/CIL**

A Unilateral Undertaking for GIRAMs would be required, if planning permission were to be granted.

**CONSULTATIONS**

**NORFOLK COUNTY COUNCIL HIGHWAYS**

No objection subject to conditions and informative note on the basis of personal use only.

**OLD BUCKENHAM P C**

The Parish Council strongly object to this application as the land has very poor access via a very narrow lane. This track is unsuitable for agricultural vehicles as it already struggles to accommodate household cars. This is resulting in excessively large vehicles and traffic approaching the site via the village of New Buckenham which is unsuitable for this volume or size of traffic due to its small twisty roads. The Parish

Council strongly feel that vehicles should not be encouraged to use this road for any reason.

The site sits opposite a popular walking trail and the Parish Council are concerned that the increased traffic could be dangerous to the many walkers and cyclists who use the area.

**NEW BUCKENHAM PARISH COUNCIL**

Strongly object on a number of grounds including unsuitable location, no need for the proposed development, impact on the character of the open countryside, impact on amenities for the open countryside and New Buckenham, impact on Cuffer Lane, increase in traffic along Cuffer Lane, insufficient land contamination information and insufficient ecological information with impact on protected species.

**NORFOLK COUNTY COUNCIL PUBLIC RIGHTS OF WAY**

We have no objections on Public Rights of Way grounds as although Old Buckenham footpath 8 is in the vicinity, it does not appear to be directly affected by the proposals. We would however raise a concern that an increase in vehicle movements along the narrow Cuffer Lane would have a negative impact on the Public Right of Way users who have to use this route in order to access the public footpath which forms part of the Tas Valley Way.

**TREE AND COUNTRYSIDE CONSULTANT**

Hedges are located on/adjacent to the site that are likely to be protected by the 1997 hedgerow regulations, meaning that they cannot be removed without consent. Please can confirmation be given that all hedgerow will remain intact.

**CONTAMINATED LAND OFFICER**

No objection subject to a condition and informative notes.

**ECOLOGY**

No objection subject to conditions.

**ENVIRONMENTAL HEALTH OFFICERS**

No objection subject to conditions.

**NATURAL ENGLAND**

No Comments Received

**REPRESENTATIONS**

Public site notice expired 05/06/2022

Neighbourhood consultation expired 13/09/2022

19 letters of objections received:

- Development has commenced on site and continually occurring without permission
- Increased in traffic movements and detrimental to the users to Cuffer Lane including pedestrians and cyclists
- Impact on ecology from the existing development
- Increase in pond without authorised permission. Concerns over chemical used within the pond.
- Concerns over commercial use of the site including on storage of business related materials
- Trade waste being incinerated on site
- Domestic/Leisure use is too broad and potential for commercial use of the site
- Existing use of site for applicant's business

- Impact on residential amenity along Cuffer Lane and further potential for New Buckenham residents
- No agricultural need has been identified

## **ASSESSMENT NOTES**

### **1.0 Principle of Development**

1.1. The site lies within open countryside and inside the Parish of Old Buckenham.

1.2. The application seeks the change of use from agricultural to mixed use agricultural & leisure/domestic use for personal use. The leisure/domestic use has taken place and structures including a bell tent, outdoor kitchen, chicken feed store, beehives, chicken feed store and chicken coop have been constructed. The site sits in the open countryside with limited development in the surrounding area, the main use is agricultural and some residential dwellings.

1.3. Development has commenced on site and it is situated towards the front of the site with the main leisure/domestic use towards the south-western corner. The personal/domestic use is considered at odds with the area and is not appropriate, it is encroachment onto the open countryside. Approval of the application would set a negative precedence for similar types of developments within the open countryside and it would be difficult to monitor activities. Furthermore, the size of the site allows opportunity for greater use and would further erode the intrinsic character of the countryside.

1.4. Concerns were raised locally by objectors and both New Buckenham and Old Buckenham Parish Councils regarding potential existing use of the site for commercial purposes and future use for commercial purposes. It has been confirmed by the applicant no commercial use is intended or occurred on site. The application has to be assessed on the basis the use of the site is for personal use only and it is considered as unacceptable.

1.5. The principle for development is therefore considered not acceptable and contrary with policy ENV05 of the Breckland Local Plan (adopted 2019), as well as the National Planning Policy Framework (2021).

### **2.0 Design and Appearance**

2.1. Section 12 of the National Planning Policy Framework (2021) and Policy GEN 02 of the Breckland Local Plan (adopted 2019) require high quality design in all development within the district which respects and is sensitive to the character of the surrounding area. Policy COM 01 of the Breckland Local Plan (adopted 2019) requires new development to be designed to the highest possible standards. All new development must achieve a specification of high architectural, urban and landscape design quality and contribute to the distinctive character and amenity of the local area. The Council will promote high quality design in the District by requiring that the design of new development meets specific criteria.

2.2. Policy ENV 05 of the Breckland Local Plan (adopted 2019) requires development proposals to contribute to and where possible enhance the local environment by recognising the intrinsic character and beauty of the countryside. Paragraph 174 of the National Planning Policy Framework (2021) is also relevant.

2.2. Development has commenced on site and it is situated towards the front of the site with the main leisure/domestic use towards the south-western corner and structures including a bell tent, outdoor kitchen, chicken feed store, beehives, chicken feed store and chicken coop have been constructed.

2.3. The site was undeveloped prior to commencement of unauthorised development and the surrounding area remains relatively undeveloped. The development is considered as not in keeping with the character of the area, the proliferation of various structures across the front of the site has materially changed the site in context to the wider landscape. The introduction of hard surfacing in the south-western corner of the site is against the character of the area, it is considered it has a detrimental impact on the immediate character of the area, which is open countryside with unspoilt impact.

2.4. The site is approximately 1.9ha and the majority of the site remains undeveloped. However, permitting use for leisure/domestic purposes permits opportunity for further development on site. It is considered the existing domestic/leisure structures have a detrimental impact on the character of the area including the open countryside. Further intensification of development on the site would further erode the character of the area.

2.5. Overall, the proposed development is not acceptable regarding design and appearance, contrary with policies COM01, GEN02 & ENV05 of the Breckland Local Plan (adopted 2019), as well as the National Planning Policy Framework (2021).

### **3.0 Impact on Amenity**

3.1. Policy COM03 of the Breckland Local Plan (adopted 2019) seeks to protect residential amenity and that all new development must have regard to amenity considerations and states that development will not be permitted where there are unacceptable effects on the amenity of neighbouring residents and future occupants.

3.2. Paragraph 185 of the National Planning Policy Framework (2021) sets out that "Planning decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should:

(a) mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development - and avoid noise giving rise to significant adverse impacts on health and the quality of life;

(c) limit the impact of light pollution from artificial light on local amenity.

3.3. The development seeks personal/domestic use on site and existing structures on the site include bell tent, outdoor kitchen, chicken feed store, beehives, chicken feed store and chicken coop.

3.4. Environmental Health were consulted and raised no objection to the development. However, the site is situated within open countryside and the area has very little pollution including noise. The existing activities such as the on-site bar could permit opportunity for increased noise levels and it would be difficult to enforce conditions that would allow to restrict unacceptable noise levels. Unlike commercial premises such as tourism accommodation in similar areas, it is possible to enforce and manage conditions to help restrict noise levels on site. However, personal/domestic use means it is difficult the control the type of potential activities on site and also the potential number of visitors on site. It is considered permitting a change of use would encourage further activities that could cause unacceptable amenity impacts which would unlikely be made acceptable through the imposition of conditions.

3.5. Concerns have been raised by objectors and New Buckenham and Old Buckenham Parish Council's over the potential for increased noise levels that would arise from a change of use. It is accepted some of the activities here, would occur on occasional basis in the countryside. However, the permitted change of use

would allow for regular use, which would compromise existing amenity provisions along Cuffer Lane.

3.6. Overall, the proposed development is not acceptable regarding amenity impact, contrary with policy COM03 of the Breckland Local Plan (adopted 2019), as well paragraph 185 of National Planning Policy Framework (2021).

#### **4.0 Impact on Highways**

4.1. Policies TR01 and TR02 of the Breckland Local Plan (adopted 2019) seek to promote sustainable transport. Policy TR01 requires development to minimise the need to travel; promote opportunities for sustainable transport modes; not adversely impact on the operation or safety of the strategic road network; improve accessibility to services; and support the transition to a low carbon future. Policy TR02 requires development to integrate into existing transport networks; mitigate highways impacts; protect and enhance access to public rights of way; provide safe, suitable and convenient access for all users, including appropriate parking; and avoid inappropriate traffic generation and do not compromise highway safety.

4.2. The highways officer was consulted and raised no objection, subject to conditions and an informative note. However, the no objection was raised on the land being for personal use only and having no commercial purpose.

4.3. Concerns have been raised locally by objectors and New Buckenham and Old Buckenham Parish Council's regarding an increase of traffic along Cuffer Lane with the potential impact on users of the lane including pedestrians and cyclists. It is accepted the use of the site has the potential to increase traffic along Cuffer Lane but it has been stated the land is for personal use only, no commercial use is intended. If the application were to be recommended for approval, a condition restricting the land to personal use only could be imposed. On this basis, the impacts on the highways would be acceptable and accord with Policies TR01 and TR02 of the Breckland Local Plan (adopted 2019).

#### **5.0 Ecological Considerations**

5.1. Both Policy ENV02 of the Breckland Local Plan and the guidance contained within Section 15 of the National Planning Policy Framework (2021) require that development should contribute to a net gain in biodiversity with an emphasis on improving ecological networks and linkages where possible.

5.2. Concerns were raised by local resident over the lack of an ecology survey and impact on biodiversity. An ecology survey was submitted during the application process following a request from the case officer. A holding objection was raised and further information has been submitted to overcome the matter, but the revised information was insufficient.

5.3. The ecological consultant are still not satisfied that there is sufficient ecological information available for determination of this application and recommend that details of survey results and any necessary mitigation measures are required to make this proposal acceptable. Additional information on Great Crested Newts needs to be provided prior to determination for the retrospective element of this proposal. The holding objection relates to insufficient ecological information on European Protected Species (GCN)

5.4. Concerns have been raised locally by objectors and New Buckenham and Old Buckenham Parish Council's regarding work that has already occurred on site having a detrimental impact upon ecology on the site. The ecological considerations for this particular application relates to the work that has been undertaken on site.

5.5 On this basis, the proposals are considered not to accord with Policy ENV02 of the Breckland Local Plan and Section 15 of the National Planning Policy Framework (2021).

## **6.0 Nutrient Neutrality**

6.1. The application seeks the erection of additional overnight accommodation due to the retrospective development of the Bell Tent and any new additional overnight accommodation needs to ensure no impact on 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. Whilst the site does not sit within the catchment area, it is not known the direction of travel for water from the site and if it travels into the protected catchment area. Insufficient information has been provided to demonstrate that the proposal would not cause adverse impacts to the integrity of protected habitats such as the River Wensum or the Broads. The proposal is therefore considered contrary to The Conservation of Habitats and Species Regulations (2017) and accordingly recommended for refusal

## **7.0 Other Matters**

7.1. Breckland, and all Norfolk Authorities, have signed up to the Norfolk Green Infrastructure and Recreational impact Avoidance and Mitigation Strategy (GIRAMS). This strategy has looked at the in combination increase in recreational pressures on Habitat Sites, the impact has been evidenced by GIRAMS which shows that schemes which create additional recreational impact (in combination with other development), in the zone of influence of European Protected wildlife site, will likely have a significant effect through recreation impact i.e. visiting sites for recreational purposes. Breckland District Council, along with all other Norfolk Authorities, require a one-off tariff of £185.93 per unit to go towards the Norfolk Recreation Impact Avoidance Mitigation Strategy to be secured through a Unilateral Undertaking. This will need to be agreed and signed prior to the determination of the application and monies paid prior to commencement of development. No Unilateral Undertaking or alternative mitigation strategy has been provided. Therefore, the proposal fails to mitigate the impact Habitat Sites and is considered unacceptable on this basis.

7.2. New Buckenham Parish Council have requested for the application to be assessed against the New Buckenham Neighbourhood Plan (adopted 2022). However, the site falls outside the defined Neighbourhood Plan Area which includes the Parish of New Buckenham and an agreed defined part of Old Buckenham's Parish relating to the Conservation area. As the site falls outside the neighbourhood plan area, no weight can be attached to the New Buckenham Neighbourhood Plan (adopted 2022).

## **8.0 Conclusion**

8.1. For the reasons, as explained above, the proposal is not considered to accord with the Development Plan, taking into consideration any relevant material planning considerations, in terms of principle, design, amenity, ecology and Nutrient neutrality and on that basis, the application is accordingly recommended for refusal.

### **RECOMMENDATION**

On the basis of the above assessment, the application is recommended for REFUSAL for the grounds listed below.

<b>REASON(S) FOR REFUSAL</b>
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- 1**                    **Non-std reason for refusal**

The introduction of built form in this area of open countryside has detrimentally altered the appearance of the area and does not preserve or enhance the intrinsic character and beauty of the countryside. Therefore, failing to have due regard to Policies GEN 02, COM 01 & ENV 05 of the Breckland Local Plan (adopted 2019), as well as the National Planning Policy Framework (2021).
- 2**                    **Non-std reason for refusal**

The proposed change of use would give rise to unacceptable opportunity for activities not appropriate to its location in the open countryside and could result in detrimental impact on the amenities of residents along Cuffer Lane and the wider area including New Buckenham. Therefore, the proposal fails to comply with Policies COM 03 & ENV 05 of the Breckland Local Plan (adopted 2019), as well as the National Planning Policy Framework (2021).
- 3**                    **Non-std reason for refusal**

Insufficient information has been provided in respect of the ecological implications of the development. Therefore, the proposals fail to demonstrate how they preserve and enhance ecology in accordance with Policies ENV02 of the Breckland Local Plan (adopted 2019), as well as Section 15 of the National Planning Policy Framework (2021).
- 4**                    **Non-std reason for refusal**

Insufficient information is available for Local Planning Authorities to adequately assess the impact of the development in respect of nutrient pollution to the River Wensum and The Broads Special Area of Conservation. As a result, the proposals conflict with paragraphs 174 and 180 of the National Planning Policy Framework, which indicates that development should protect sites of biodiversity value and contribute to and enhance the natural environment having regard to water quality and pollution. This precautionary approach is in line with the requirements of The Conservation of Habitats and Species Regulations (2017).
- 5**                    **Non-std reason for refusal**

A suitable Unilateral Undertaking or alternative package of mitigation measures in relation to GIRAMS to mitigate the recreational impact of the development on protected sites has not been provided and therefore the proposal fails to mitigate the impact of this development on Habitat Sites contrary to Policy ENV02 of the Breckland Local Plan (Adopted 2019) and The Conservation of Habitats and Species Regulations (2017).