

Planning Committee

03 February 2023

Agenda item number 7.1

BA/2022/0416/FUL - Postwick - Blackwater Carr - Retention of Yurt (retrospective)

Report by Planning Officer

Proposal

Retrospective consent for the retention of a yurt on a small, raised platform, securing a table and bench to the ground, the installation of a small staked and woven willow windbreak.

Applicant

Mr Steve Hooper & Ms Mary Alexander

Recommendation

Refusal

Reason for referral to committee

Material considerations of significant weight raised by District Councillor

Application target date

20 January 2023

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1. Description of site and proposals

- 1.1. The subject site is an area of peat fen located approximately 30 metres to the west of the River Yare, and approximately 800 metres east of the village of Postwick. Between the river and the eastern boundary of the site is a footpath accessed via a wooden gate, to the north is a private access road which runs from Ferry Lane to the western bank of Surlingham Ferry, opposite which is The Ferry Inn. The site area is broadly defined by drainage dykes along or adjacent to its boundaries, with a further dyke running east to west centrally across the site. There are well defined footways comprised of closely mown grass which provide access around the site. Located centrally is a domesticated area of closely mown grass, this provides the setting for a storage shed measuring 6.0m x 3.1m, next to which is a compostable toilet. Immediately south of the shed and toilet

is the yurt, table and benches and woven fence which are the subject of this application.

- 1.2. The site area is approximately 2.1 hectares and it comprises a mix of grassland, reeds, scrubland, and pockets of trees. The boundaries of the site are predominantly tree lined, with areas of woodland to the north and west. To the south-west and south are further peat fen areas with a similar appearance to the subject site. Access to the site is via a timber walkway across a drainage dyke, this is accessed via a short hardcored track leading from the access road to the riverside footpath.
- 1.3. The site is not within a conservation area nor is it nationally designated. The site is a Local Wildlife Site. It is noted that the opposite bank of the river is a Broadland Ramsar and Yare Broads and Marshes SSSI. The site lies within flood zone 3.
- 1.4. The application is for retrospective consent for the retention of the yurt, which would be used to provide overnight accommodation. The yurt is a circular structure with a diameter of 5.5 metres, with an overall height of 1.95 metres. It sits on a small wooden platform, to which it is attached. The outer layer of the yurt is described as 'natural canvas', this is of a pale yellow colour. The entrance to the yurt comprises double timber doors, which are reached via two wooden steps. The yurt has a shiny metal chimney flue protruding from the roof slope, this has an overall height slightly above the roof apex. Also included in the application is the securing of a table and bench to the ground within a domesticated area to the front of the yurt, and the installation of a small staked and woven willow windbreak which is adjacent to the table and bench, and provides a demarcation of the domesticated area.
- 1.5. Occupation of the yurt is described as being up to 200 days per year.

2. Site history

- 2.1. In 2022 planning permission was refused for the same works which are the subject of this application. There have been no physical changes at the site since the previous application was refused (planning ref BA/2022/0017/FUL).
- 2.2. In 2020 planning permission was granted with conditions for a replacement timber access bridge, geogrid-type ground reinforcement along existing trackways, and siting of a new storage shed (planning ref BA/2020/0011/FUL).

3. Consultations received

Parish Council

- 3.1. The Parish Council of Postwick with Witton discussed the above planning application and accepted this application, provided that there would be no further expansion beyond the existing activities for what the Yurt was used.

Environment Agency

- 3.2. We have reviewed the documents, as submitted, and we object to this application in principle because the proposed development falls into a flood risk vulnerability category that is inappropriate to the flood zone in which the site is located. We therefore recommend that the application is refused planning permission on this basis.
- 3.3. Through correspondence with the Case Officer as part of a previous application BA/2022/0017/FUL, the Local Planning Authority have confirmed that they consider the flood risk vulnerability classification of the proposed use to be 'more vulnerable'. Our objection position is based on this assessment. If this assessment changes, please reconsult the Environment Agency as this will impact our comments.

Flood Risk

- 3.4. The Planning Practice Guidance (PPG) classifies development types according to their vulnerability to flood risk and gives guidance on which developments are appropriate in each flood zone. In this case, the application site lies within the fluvial & tidal Flood Zone 3b, the functional floodplain, as delineated within The Broads Authority's Strategic Flood Risk Assessment.
- 3.5. The proposed development is classified as 'more vulnerable' in Table 2: Flood Risk Vulnerability Classification of the PPG. Table 3 of the PPG makes clear that this type of development is not compatible with Flood Zone 3b and should not therefore be permitted.
- 3.6. If you are minded to approve the application contrary to this advice, we request that you contact us to allow further discussion and/or representations from us in line with the Town and Country Planning (Consultation) (England) Direction 2009.

Other Sources of Flooding

- 3.7. In addition to the above flood risk, the site may be within an area at risk of flooding from surface water, reservoirs, sewer and/or groundwater. We have not considered these risks in any detail, but you should ensure these risks are all considered fully before determining the application.

Natural England

- 3.8. Summary of Natural England's Advice
- 3.9. Further information required to determine impacts on designated sites.
- 3.10. As submitted, the application could have potential significant effects on:
 - Broadland Ramsar
 - Broadland Special Protection Area (SPA)
 - The Broads Special Area of Conservation (SAC)
 - Yare Broads and Marshes Site of Special Scientific Interest (SSSI)

3.11. Natural England requires further information in order to determine the significance of these impacts and the scope for mitigation. Natural England advise that the Local Planning Authority (LPA) undertakes a Habitats Regulations Assessment (HRA) and record their decision regarding the assessment of the development with respect to recreational disturbance and water quality/nutrient neutrality.

3.12. The following information is required:

- Robustly evidenced mitigation for the increase in nutrient load created by the development

3.13. Without this information, Natural England may need to object to the proposal.

3.14. Please re-consult Natural England once this information has been obtained. Natural England's further advice on designated sites/landscapes and advice on other issues is set out below.

Cllr Davis

3.15. I am writing to support the comments made by my fellow Broadland councillor, Cllr Eleanor Laming, regarding the planning application for Blackwater Carr, No: BA/2022/0416/FUL. I have read the planning application and visited the site. I understand the Authority may have some concerns about the application and could be minded to refuse it. If this is the case then I add my support to the request made by Cllr Laming that the application be determined by the Planning Committee.

3.16. The project at Blackwater Carr is so clearly designed to preserve and enhance biodiversity as encouraged under the National Planning Policy Framework (NPPF):

3.17. "Great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty which have the highest status of protection in relation to these issues. The conservation and enhancement of wildlife and cultural heritage are also important considerations in these areas and should be given great weight in National Parks and the Broads". NPPF, para 176

3.18. This planning application is specifically aimed at the conservation and enhancement of wildlife in the Broads and, therefore, "an important consideration".

3.19. Furthermore, para 2 of the NPPF states, "The National Planning Policy Framework must be taken into account in preparing the development plan and is a material consideration in planning decisions."

3.20. The application is clearly for a very limited development, sensitive to the local environment, and which does not adversely impact on the local landscape or views from either the river or public footpaths.

3.21. I therefore support the request to call in the application for consideration by the planning committee.

Cllr Knight

- 3.22. I have been made aware of the above application for retrospective consent for the use of a yurt at Blackwater Carr near Postwick.
- 3.23. I have read the planning statement carefully and believe that there are sufficient material planning considerations for this application to be considered by the planning committee. In particular, the proposal supports important conservation and ecological work which support the objectives of both the Broads Plan and Broads Local Plan.
- 3.24. I therefore request that the application be determined by committee and look forward to receiving your positive response.

Cllr Laming

- 3.25. Having looked at the planning application and visited the site I would like to make the following comments and request that if the Broads Authority is minded to refuse this application, that it is determined by the Planning Committee.
- 3.26. This is not a case where a suburban appearance which detracts from the landscape character of the Broads is being created. It is a leisure plot, and Policy DM50 states that for existing leisure and mooring plots, permission will not normally be granted for the erection of buildings, enclosures or structures. The words "will not normally" do apply in this case, which in my view is an exception, due to valuable conservation work being carried out here without detrimental impact environmentally to the surrounding plots or neighbours. Indeed, this work supports the NPPF Section 15 policies of conserving and enhancing the natural environment.
- 3.27. Policy DM16 states that development proposals which conserve and enhance the key landscape characteristics of the Broads and comply with other relevant policies, in particular Policy DM43 (design) will be permitted. This development therefore fits in with this policy as the use is not detrimental to the character of the site, but instead is enhancing the amenity value and character of the site, and the design is sympathetic to the site.
- 3.28. The yurt is a non-permanent structure which is hidden from view and therefore not visually intrusive on the landscape. I note that a retrospective planning application was approved, BA/2022/0115/CU in May 2022 subject to conditions, for change of use to a Community Wellness Facility with retention of existing structures which is also on a leisure plot on Flood Zone 3b at Yare Wood, Bittern Meadow off Ferry Lane, Postwick. This site is allowed overnight camping under permitted development rights, for a fewer number of days than are being requested in this application but is visited by a larger number of people when in use. The application states that up to 300 people can visit in a year as part of small groups. It also has a compost toilet, a kitchen tent, storage caravan, storage shed and poly tunnel on site.
- 3.29. A flood warning and evacuation plan has been submitted (August 2022) which addresses concerns about flood risk and recognises that the site is in a 3b functional

floodplain. As this is a nature conservation site and the occasional overnight accommodation is in a temporary structure, I do not see this as a concern.

3.30. Work has been done to monitor and manage the area for biodiversity to flourish. Work has also been done to manage the landscape to address climate change and increase carbon capture. An ecological Management Plan (September 2022) has been submitted which addresses previous concerns raised about the potential impact of overnight accommodation on the site.

3.31. I have studied the reasons the Broads Authority gave for refusal of the initial planning application, however, on balance I feel that these objections have been addressed by the applicants and the application is of more benefit than detriment to the landscape.

3.32. I therefore support this application but would like to see the following conditions applied:

- A condition should be placed on the land so that it is only used in perpetuity for conservation purposes.
- No further extension of existing activities is to be undertaken.
- The maximum number of overnight stays should be limited to 150 in a calendar year.
- Should the land be sold or ownership transferred, all of the existing structures should be comprehensively removed. Planning permission, if given, should only be linked to the existing ownership and should not be transferable.
- Conditions on lighting and noise restriction should be imposed.
- A mid-term (5year) management plan should be submitted and approved.

3.33. With the deadline for submission being tomorrow, I have looked again at the application and the requirements, and would like to request again that the application is called in for the following reasons:

3.34. Paragraph 2 of the National Planning Policy Framework states that:

- "Planning law requires that applications for planning permission be determined in accordance with the development plan unless material considerations indicate otherwise. The National Planning Policy Framework must be taken into account in preparing the development plan and is a material consideration in planning decisions."

3.35. Furthermore, paragraph 176 of the NPPF stipulates that:

- "Great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty which have the highest status of protection in relation to these issues. The conservation and enhancement of wildlife and cultural heritage are also important

considerations in these areas and should be given great weight in National Parks and the Broads.

3.36. Paragraph 176 of the NPPF continues that:

- The scale and extent of development within all of these designated areas should be limited, while development within their setting should be sensitively located and designed to avoid or minimise adverse impacts on the designated areas.

3.37. The main purpose of this planning application proposal is the conservation and enhancement of wildlife in the Broads. This has been clearly demonstrated by the applicants by the extent of their work over recent years.

3.38. The extent of built form proposed is temporary and will solely serve the purpose of the conservation and enhancement of wildlife and the Broads Landscape.

3.39. The number of species recorded and protected by their work is significant and preserves these for ensuring sustainable ecosystems and for research and study by current and future generations. It is sustainable development which should be supported and approved.

BA Ecologist

3.40. No habitat and species surveys required.

Biodiversity Mitigation

3.41. Conditions: The Ecological Management Plan by Bench Ecology to be implemented. Please take particular note of the following sections in the report;

- **2.4.1** Water voles burrow in the earth banks of slow-moving rivers, streams and ditches. An inspection for water vole burrows/signs can be carried out prior to work. If evidence of water voles is found, a minimum 10m buffer should be left either side of the burrow/signs to minimise disturbance and/or displacement. Where management along ditches requires intrusion into the ditches themselves and where management of reedbeds is necessary, this should be undertaken in October to minimise the impact on water voles when water vole populations are still high (Sussex Wildlife Trust, 2013). Water voles are common in the Broads it would be prudent to do a survey for signs before any ditch management as they are protected in the UK under the Wildlife and Countryside Act, 1981.
- **2.4.11** No permanent lighting is currently proposed for the site which would potentially affect protected species including bats and breeding birds. Any lighting utilised at the site should follow the current Bat Conservation Trust (2018) Guidance Note 08/18, Bats and artificial lighting in the UK. No artificial lighting installed on the site.

Conclusion

3.42. I have no objections to the yurt, table, bench and willow wind break if the above conditions are followed.

BA Landscape Architect

Context

- 3.43. The site is located within The Broads Landscape Character Area 12 Yare Valley - Kirby/Postwick to Rockland/Strumpshaw River Yare. The Assessment notes that it is a remarkably diverse area in the patterns in the landscape and the various habitats.
- 3.44. The area has an enclosed and inaccessible feel due to Carr woodland which is a significant feature of the area. The area as a whole is relatively tranquil. Much of the land is under the ownership or management of nature conservation bodies and is subject to many nature conservation designations covering most of the area.
- 3.45. Landscape sensitivity is also high due to the site's location within the BA area, with sensitive receptors present nearby; users of Public Rights of Way, [Wherryman's Way follows opposite riverbank], river boat users, visitors to Ferry Boat PH, fishing platforms and moorings.

Proposals

- 3.46. The proposals for a yurt and associated features would add to the existing approved compost toilet, access track with geotextile grid and storage shed.
- 3.47. According to the elevation drawing the yurt structure is over 3.5m in height, with a diameter of 5m.
- 3.48. The location for car parking [2 spaces] is presumably at the end of Ferry Lane, with vehicle access to the existing shed via a track. It would be useful to clarify this together with the frequency of vehicles using the site to access the shed.
- 3.49. I understand that no external lighting is proposed.
- 3.50. The Planning Statement [3.4] envisages up to 200 days per annum of 'occupation' would be needed. It is assumed that this would involve overnight accommodation. Clarification would be useful.
- 3.51. The application proposes temporary installation of the yurt. However, the duration of this temporary period is not clear and should be clarified.

Landscape effects

- 3.52. It is not entirely clear what natural habitat or other landscape features may have been removed to enable construction of the yurt and associated elements. However, due to the relatively limited scale of the yurt it is not likely that direct landscape effects are significant.

Visual effects

- 3.53. Given that the surrounding context is very natural, the introduction of any man-made element would tend to be noticeable. The existing approved storage shed has a characteristic appearance and is somewhat visually recessive.

- 3.54. Although not a large structure, the yurt has an exterior of light-coloured canvas material and an unusual form which together create an eye-catching appearance.
- 3.55. The roof has a window through which perhaps light may spill during hours of darkness making the structure more visible.
- 3.56. Sensitive receptors may not expect to see a yurt in an area characterised by mainly natural habitat. Although the site is relatively well screened by vegetation, nevertheless sensitive receptors nearby could gain views of the site from several locations, especially during the half of the year when vegetation would not be in leaf.

Landscape character

- 3.57. The form, appearance and design of the yurt show little reference to Broads' vernacular and local detailing.
- 3.58. The proposals together with the existing on-site structures form an assemblage of domestic paraphernalia that detracts from local landscape character.
- 3.59. The provision of accommodation for up to 200 days per annum on the site raises concerns about intensity of use (albeit for ecological, and biodiversity works), for a site only 2.1 hectares in size.
- 3.60. Without clarification of the duration of the development and no timescale for removal of the structure, it is difficult to fully assess overall effects on landscape character. If the development were to be long term or permanent, the adverse effects would be more significant.
- 3.61. The high landscape value and sensitivity suggest that there would be low potential for mitigation.
- 3.62. The location has very limited capacity to accommodate the proposed development without affecting the baseline conditions.

Summary

- 3.63. Clarification of some aspects of the development would be helpful.
- 3.64. The potential visibility to sensitive receptors and incongruous appearance of the development would undermine landscape character.
- 3.65. The design, form, and appearance of the yurt would not be appropriate to the local context of the site.
- 3.66. I am therefore unfortunately unable to support the application.

4. Representations

Ms Kim Adam- 22 Riverway, London

- 4.1. The need for temporary accommodation on site has been explained in the agent's statement. I have read the Broads Society comments and fully agree with them.

- 4.2. The application is unusual, if not unique, and a balance is needed between the Development Plan Policies and other material considerations, which is the statutory test the Planning Authority must carry out. The officers did not adequately carry out this balance on the previous application, as evidenced by the report online. A number of important considerations were not mentioned.
- 4.3. Please also refer to my previous comments in support of this application.
- 4.4. I understand that the applicants are also planning to introduce badgers, slow worms and hedgehogs to increase the biodiversity even further.
- 4.5. Everything the applicants have enhanced on this site are in line with the recently agreed aims of the Conference regarding biodiversity held in Canada.

Alan Foster- 68 Quarry Road, Winchester

- 4.6. I commented in support of the previous application (2022/0017). My key comments were:
- 4.7. "The need for some form of temporary accommodation on site has been explained in the agent's statement. I firmly believe in this case the conservation and biodiversity objectives of the owners and the BA are broadly the same. I consider these clearly outweigh the normal policy objectives of preventing scattered residential accommodation in the countryside, particularly in this case where the periods of occupation are geared to ecological management and education.
- 4.8. "At the same time I acknowledge the LPA may need to safeguard the future use of the land so that the conservation objectives continue in the long term. If this is a concern I trust that the BA will take a positive approach to a unilateral undertaking or a S106 agreement."
- 4.9. These are equally relevant to this resubmitted application.
- 4.10. I have read the strong supportive comments by The Broads Society and fully agree with them.
- 4.11. This is an unusual, if not unique, proposal and should be determined by the Board's Planning Committee, not under delegated powers of officers. It is essential that a proper balance is struck in the Board's statutory responsibility to determine applications in accordance with the Development Plan UNLESS MATERIAL CONSIDERATIONS INDICATE OTHERWISE. In this case, the material consideration set out in the application weigh in favour of permission being granted.

Mr Henry Cator- Broad Farm, Upper Street

- 4.12. The work that Steve Hooper and his wife are doing to record the wildlife, flora and fauna and manage this site are to be applauded.
- 4.13. They need their Yurt as a workstation. The fact that it is in the floodplain is irrelevant as it is not for residential use. It is a base from which to carry out their management of the

site. I urge the Planning Officer to approve this Yurt as a temporary structure. Management of the Blackwater Carr site is an exemplar of the work of two dedicated individuals within the National Park. To enforce the removal of this small tent would be completely contrary to the stated aims and principles of management and conservation within the Authority's Broads Plan. In determining this planning application regard must be had to the benefits of having this temporary structure which enables management to continue as against what harm or damage its existence is causing. If it was not there the owners would not be able to continue their valuable management activities and recording of species. This is a one off application and is not setting any precedent. Please may common sense prevail and this application be approved. Thank you. Henry Cator - President of The Broads Society.

Michael Allen- 17 Ropes Walk, Blofield

- 4.14. There is high biodiversity at this site which would not be possible without the work being carried out there, nothing that has been built is disruptive to wildlife. A place to analyse data and store sensitive equipment is crucial to the continuation of this work. Monitoring of multiple endangered species is carried out at all times day and night so somewhere to rest overnight is important for this work to be carried out.

The Broads Society- 3 Rosebery Road, Great Plumstead

- 4.15. The Broads Society FULLY SUPPORTS this application which includes the retention of the yurt and other ancillary structures.
- 4.16. Members of the Society have met with the applicants on site to view the work already carried out and to discuss the future management plans for its long term restoration. The commitment of the applicants to the beneficial ecological restoration of the site and their deep knowledge of the local eco-system, habitats and bio-diversity potential of the site was evident at the meeting. The plot is clearly NOT a 'leisure plot' and the provision of the yurt on site (along with existing structures already benefiting from planning permission) is clearly required to effectively manage the site, particularly as the applicants do not live locally. The site is an exemplar of what can be achieved by knowledge, hard work and commitment and the applicants should be applauded for what they have already achieved in such a short space of time. The Society also notes that it is the intention to use the site for managed educational activities which can do nothing but have a positive impact on the environmental knowledge and understanding of local school children and students. Furthermore, the provision of the yurt has absolutely no detrimental visual impact on this part of the Broads as it is so well screened to be invisible from any external viewpoint (both water based and land based).
- 4.17. For the above reasons, the Society has no hesitation in supporting this proposal which it feels complies fully with OBJ4 and Policies SP6 and DM13 of the current Broads Local Plan.

5. Policies

- 5.1. The adopted development plan policies for the area are set out in the [Local Plan for the Broads](#) (adopted 2019).
- 5.2. The following policies were used in the determination of the application
 - DM5 - Development and Flood Risk
 - DM13 - Natural Environment
 - DM16 - Development and Landscape
 - DM21 - Amenity
 - DM23 - Transport, highways and access
 - DM43 - Design
 - DM50 - Leisure plots and mooring plots
- 5.3. Material Considerations
 - National Planning Policy Framework
 - Planning Practice Guidance
 - The Conservation of Species and Habitats Regulations 2017
 - Natural England - Advice for development proposals with the potential to affect water quality resulting in adverse nutrient impacts on habitats sites.
 - Broads Landscape Character Area 12 Yare Valley - Kirby/Postwick to Rockland/Strumpshaw River Yare

6. Assessment

- 6.1. The application is for retrospective consent for the retention of a yurt on a small, raised platform to be used in connection with the management of the site, securing a table and bench to the ground, the installation of a small staked and woven willow windbreak.

Background

- 6.2. The subject site has been privately managed for conservation purposes since at least 2012, it was well established prior to the current incumbent purchasing it and continuing with this endeavour. Whilst previously owned and managed by a local resident, the current owners do not live locally and thus have different needs pertaining to the ongoing ecological management of the site. This was reflected in a 2020 planning approval which sought to improve access and provide secure storage at the site (planning ref BA/2020/0011/FUL).

6.3. In 2021 the Local Planning Authority (LPA) were made aware of a yurt at the site by a member of the public walking past the site on the Environment Agency riverside path. In investigating this matter it was also found that a fence had been erected and a table with benches secured to the ground. Following correspondence with the site owners a retrospective planning application was received in early 2022 seeking to regularise this unauthorised development. The LPA assessed the application on its merits and refused planning permission for the following reasons:

1. The yurt, by virtue of its size, siting, and appearance has a detrimental impact on the character and appearance of the Broads landscape, and a detrimental impact on the enjoyment of neighbouring plots of land, contrary to Policies DM16, DM43, and DM50 of the Local Plan for the Broads.
 2. The provision of overnight accommodation on land classified as a leisure plot conflicts with that land classification and results in a use which is detrimental to the character of the site and the perception of acceptable uses on leisure plots, contrary to Policies DM16 and DM50 of the Local Plan for the Broads.
 3. Planning Practice Guidance to the National Planning Policy Framework classifies development types according to their vulnerability to flood risk and gives guidance on which developments are appropriate in each Flood Zone. In this case the application falls within Flood Zone 3b functional floodplain as defined by the Greater Norwich Strategic Flood Risk Assessment (SFRA) as having a high probability of flooding. The development type in the proposed application is classified as more vulnerable in accordance with table 2 of the Planning Practice Guidance to the NPPF. Tables 1 and 3 of the Planning Practice Guidance to the NPPF make clear that this type of development is not compatible with this Flood Zone and should not therefore be permitted.
 4. The retention of the yurt would result in overnight accommodation within the catchment of protected habitats. The Local Planning Authority cannot lawfully conclude that development within the catchment of the Broads Special Area of Conservation and Ramsar site will not have an adverse effect.
- 6.4. Following the refusal of planning permission an appeal was lodged against that decision with the Secretary of State. The appeal was subsequently withdrawn and a second planning application made promptly, this being the matter currently under consideration. It should be noted that there are no changes to the works that have taken place on site, but additional supporting information has been submitted.

Principle of development

6.5. In considering the principle of the development it is important to note that the LPA is not looking at the principle of the management of the site for ecological benefit. This management is underway, continuing the management of the previous owner, and is not something that requires planning permission as it is not 'development'. The principle of development which needs to be considered in this case is whether the

principle of the retention of the structures, as allegedly needed to facilitate the management of the site, is acceptable.

- 6.6. It is clear that the current owners have had to employ a different approach to the ongoing ecological management of the site to the previous owner as they do not live locally. Whilst the previous site owner was largely able to manage the site with hand tools using his own expertise, time and enthusiasm, and with the occasional help of volunteers and the loan/hire of specialist equipment (such as a fen harvester, mowers, chainsaws and brush cutters), that method of management is time and labour intensive and the current owners have not continued this approach. Their management of the site involves the use of large pieces of equipment and what is described as 'expensive survey equipment', which results in a need to store equipment on site and provide improved access to and within the site resulting from the need to access the site by vehicle, as well as transport equipment to the site. These needs were carefully considered in response to a previous application which sought to improve access and provide secure storage at the site (planning ref BA/2020/0011/FUL). Planning permission was granted for both of these in order to support the management of the site.
- 6.7. The Local Plan for the Broads considers this site as a leisure plot and assessed the 2020 application for the storage shed and improved access as such; the planning statement supporting the application described it as such. The relevant policy, which covers leisure plots, is DM50 which stipulates that permission will not normally be granted for the erection of buildings, enclosures or structures on leisure plots. This was a key consideration in the assessment of the previous application. Whilst the policy states 'permission will not normally be granted for the erection of buildings', the proposal at that time was considered in relation to the specific needs presented by the applicant, and, having concluded that it was reasonably in accordance with planning policy in all other aspects, the storage shed was considered to represent a suitable example of an exception to the policy due to the particular site-specific factors here and, accordingly, was granted planning permission.
- 6.8. It should be noted that a conclusion of an 'exception' to a policy must be very carefully made as a policy which clearly states that 'permission will not normally be granted for the erection of buildings enclosures or structures' should not be undermined. There is a need to word policy in this a way in order to prevent overdevelopment of leisure plots and the policy must be applied sensibly to sites across the Broads area.
- 6.9. In reaching the conclusion that the storage shed was both in principle necessary and in detail acceptable, the LPA took into account the management needs of the site, the size and design of the shed, the materials used and the resulting appearance. The overall size and height, the siting on the edge of a pocket of trees, and the recessive nature of the materials and colour have allowed the shed to be a reasonably subtle addition to the site, the BA Landscape Architect commenting that 'the existing approved storage shed has a characteristic appearance and is somewhat visually recessive'.

6.10. The rationale for the proposal is to support the management of the site for ecological purposes. Planning permission has already been granted for the provision of a storage shed to provide space for tools and equipment, with the applicant arguing at that time the works are necessary to ensure the continued proper management of the site and it being the case that a lack of proper management would simply lead to further scrub encroachment and a loss of ecological diversity across the site. There is a policy presumption against the erection of structures on leisure plots and the existing shed was allowed in response to the particular circumstances here. It is not considered that additional space of the size and nature proposed is justified and the principle of the development is unacceptable.

Need

6.11. If it is the case that the applicants need additional storage on the site, or a more secure form of storage, there is a question of whether the only way to provide that is via a 5.5m diameter yurt. There is no information in the application detailing either the need for additional machinery or what the equipment is which cannot be stored in the shed and what other options the applicant has considered. A justification for the need should be provided before permission is granted for something which is contrary to development plan policy.

6.12. There is a further question as to whether the management of a 2.1 hectare site for biodiversity requires the owners to stay on site for up to 200 days per annum. The LPA considers that this appears disproportionate given the size of the site, as this in effect makes it a 0.5 full-time equivalent (FTE) role for one person, or more if two people are working there. It is noted that the supporting documents state they carry out scientific work, including night surveys, but there is no detail of what this is, what it involves or why it is essential for the management of the site. It is also noted that the carrying out of night surveys does not require the provision of overnight accommodation, as the participants will be awake, and there are no restrictions on access so arrivals and departures for a night time survey are as reasonable as they are for day time. Further details have been requested and these will be reported orally.

6.13. It should also be noted that there are a number of references in the application supporting documents to the yurt potentially being a 'temporary' and 'moveable' structure and these are worth considering in the context of 'need'.

6.14. Looking first at 'temporary', when the application was submitted it was described as 'temporary installation of a yurt', but upon seeking clarification of what the temporary period would be it was agreed to remove the word 'temporary' from the proposal wording. The siting of the yurt is therefore understood to be permanent. In response to queries about its use, recently the applicant has informally suggested that a temporary period of 7 years for the retention of the yurt would be acceptable. The arguments regarding the need for the yurt to be retained on site as vital to the ongoing management of the site appear to be somewhat undermined by the suggestion that in 7 years' time this form of management will be no longer required.

- 6.15. Considering the description of the yurt as ‘moveable’, this is important, because if the yurt is a moveable structure then it is not development and planning permission would not be required. Whilst this is what is stated in the application, it is not the intention of the applicants to use the yurt in this way, it is not easily moveable and to date the yurt has not moved from the current position, which is where it was erected in May 2020. It is also noted that, taking into account the management of the site, there are no suitable areas to move the yurt to outside of the domesticated part of the site where it is located. On the basis of the above, the yurt is not considered a moveable structure.
- 6.16. The rationale for the proposal is to facilitate the management of the site for ecological purposes. Planning permission has already been granted for the provision of a storage shed to provide space for tools and equipment, with the applicant arguing at that time the works are necessary to ensure the continued proper management of the site and it is the case that a lack of proper management will simply lead to further scrub encroachment and a loss of ecological diversity across the site. There is a policy presumption against the erection of structures on leisure plots and the existing shed was allowed in response to the particular circumstances here. The LPA considers that there is no justification provided to overcome the clear objections to the principle of development. It is noted that whilst the provision of a yurt is certainly convenient, it has not been demonstrated as essential.

Impact upon the landscape

- 6.17. In considering the site setting and wider landscape, the BA Landscape Architect has observed that ‘the surrounding context is very natural, the introduction of any man-made element would tend to be noticeable. Although not a large structure, the yurt has an exterior of light-coloured canvas material and an unusual form which together create an eye-catching appearance’.
- 6.18. The site is reasonably well screened and was assessed as such in the previous applications, but the introduction of the subject yurt has emphasised that this screening is not comprehensive and is susceptible to seasonal variations. The LPA was first alerted to the presence of the yurt by a person walking along the footpath which runs adjacent to the site boundary.
- 6.19. The large shiny white structure draws unnecessary attention to itself and is a noticeable presence in the landscape. The BA Landscape Architect in this respect has commented that ‘The form, appearance and design of the yurt show little reference to Broads’ vernacular and local detailing’. They then continue with their assessment commenting that ‘Sensitive receptors may not expect to see a yurt in an area characterised by mainly natural habitat. Although the site is relatively well screened by vegetation, nevertheless sensitive receptors nearby could gain views of the site from several locations, especially during the half of the year when vegetation would not be in leaf’.
- 6.20. This presence is dramatically lessened when leaves appear on the trees, shrubs, and bushes, and whilst still detectable is not considered to be an obvious addition to the site. However, it would not be reasonable or acceptable to assess the site on a seasonal

basis, if the presence of the yurt has an unacceptable impact on landscape character and appearance at a particular time of year then the conclusion must be that the presence of the yurt has an unacceptable impact on landscape character and appearance.

- 6.21. The perceived presence of the yurt is not confined to the public footpath and is visible from land to the south, itself a leisure plot. With no boundary screening between the two plots the presence of the yurt is clear and obvious. This in itself undermines the character and appearance of the natural habitat, resulting in an unacceptable impact on landscape character and appearance. In addition, the existence of such a stark presence which stands out so clearly in its natural setting is of detriment to the enjoyment of an otherwise unspoilt site for the custodians of the adjacent site.
- 6.22. The proposal overall results in a domestication of the site. The appearance is most obvious when considering the yurt, but is accentuated by the provision of a domesticated lawn area, complete with boundary fence and a demarcated picnic area featuring a table and bench in a traditional style. The combination of these elements results in a particularly over-domesticated appearance, lacking the feeling or perception of being temporary. This approach is unfortunate on leisure plot of this kind, however given the limited area it covers, the keeping of a well mowed area and provision of a low level seating area is on its own not unacceptable. The boundary fence, despite being less formalised than a closeboard fence for example, draws the eye by virtue of its siting not linking with a particular element or even being sited on a boundary, but its appearance and fairly squat stature result in an appearance which on its own is not unacceptable.
- 6.23. Without the yurt the domesticated area could arguably be akin to a space for relaxation which would not be unexpected on a leisure plot. It is, however, the presence of the yurt which determines the character of the area as a whole, because, alongside the yurt, the combined elements result in an over-domestication of the site to the detriment of landscape character and appearance, with the BA Landscape Architect making the clear point that the 'assemblage of domestic paraphernalia that detracts from local landscape character'.
- 6.24. In concluding their assessment of the development at the site, the BA Landscape Architect advises that 'The potential visibility to sensitive receptors and incongruous appearance of the development would undermine landscape character. The design, form, and appearance of the yurt would not be appropriate to the local context of the site. I am therefore unfortunately unable to support the application'.
- 6.25. With regard to the above assessment, the retention of the yurt alongside the fenced area with table and bench would have a detrimental impact on the character and appearance of the site, contrary to Policies DM16, DM43, and DM50 of the Local Plan for the Broads.

Flood risk

- 6.26. The Environment Agency (EA) have confirmed that the site is located in Flood Zone 3b, the functional floodplain. With regard to the flood risk vulnerability classification, as the yurt is required in order to provide overnight accommodation it is considered to be classed as a 'more vulnerable' form of development. With reference to the Planning Practice Guidance (PPG), which accompanies the National Planning Policy Framework (NPPF), flood risk vulnerability and flood zone 'compatibility' table, a 'more vulnerable' use within flood zone 3b is shown as 'Development should not be permitted'. This relates to danger posed to life by allowing overnight accommodation in an area susceptible to flooding and where flood water will lie until dissipated, the potential impact on emergency services in response to flooding, and the damage to possessions as a result of the structure not being sited above the predicted flood levels.
- 6.27. Tables 1 (flood zones) and 3 (flood risk vulnerability and flood zone 'compatibility') of the PPG make clear that this type of development is not compatible with this Flood Zone and should not therefore be permitted. The proposed retention of the yurt is therefore considered to be unacceptable and contrary to Policy DM5 of the Local Plan for the Broads, Paragraph 159 of the NPPF and the PPG.

Ecology

- 6.28. The BA Ecologist has assessed the development and raised no objections subject to planning conditions. The LPA would like to make it clear that the efforts by the applicants to enhance biodiversity at the site, continuing the efforts of the previous custodian, are supported and are considered to be laudable. The objection to the yurt is not a reflection on the management of the site, but reflects a clear position where the introduction of the yurt has clear and unacceptable planning impacts as discussed above.

Designated sites and nutrient neutrality

- 6.29. The proposed development requires a Habitats Regulations Assessment to assess the impact on protected sites and species. This has been completed and concluded that the proposal requires a proportionate financial contribution secured in line with the Norfolk RAMS requirements. Provided this mitigation is secured, it can be concluded that this planning application will not have an adverse effect on the integrity of the European designated sites from recreational disturbance, when considered 'in combination' with other development. The applicants have been advised of the RAMS tariff of £185.93 which would need to be paid prior to the issuing of any planning approval.
- 6.30. With regard to European designated sites and nutrient neutrality, the documents submitted with the application include a nutrient neutrality statement. This outlines the approach taken for providing the assessment, which has not used either the calculator devised by Natural England or the Royal Haskoning version developed on behalf of all Norfolk LPAs. The statement concludes the following:

- The proposed development will lead to minor increases in nutrient loads of 0.0528 kg TP / year and 0.4608 kg TN / year, based on the site being used for up to 200 days per year.
- There are currently no providers of 'nutrient credits' within the Yare catchment which could be purchased to offset the nutrient loads. Upgrading an existing septic tank/PTP in a location higher in the catchment is deemed financially unviable for the proposed development.
- On this basis, it cannot be demonstrated the proposed development would be nutrient neutral.

6.31. Natural England have advised in relation to nutrient neutrality mitigation that 'work is still being done by Natural England to establish a National nutrient neutrality mitigation scheme and I understand Norfolk Local Planning Authorities are working together to find their own mitigation solutions'. At present these potential forms of mitigation are not in place, so an objection on the basis of nutrient impacts to European designated sites must be maintained.

Other issues

- 6.32. The erection of the yurt and its proposed retention has arisen as a result of the landowners not being local and needing to travel to the site to maintain it. Whilst their intentions are laudable, the LPA cannot put aside the various impacts simply to provide a more convenient situation for the applicants. The submitted planning statement observes that 'Blackwater Carr is a prime example of how local residents can actively work alongside the Broads Authority and other relevant bodies in preserving, enhancing, and building up the resilience of The Broads to the wider climate change emergency whilst delivering increased biodiversity', however it is the fact that the applicants are not local that is the issue, because they deem a yurt as a necessary addition to the site as opposed to seeking local accommodation. When looked after by a local resident, the necessity of overnight accommodation was simply not a consideration.
- 6.33. It should be noted that were the LPA to accept the justification for the yurt purely on the basis of the ecologically positive management of the land, this would have significant ramifications for all similar plots across the Broads area. Whilst the management of the subject site in terms of biodiversity and ecology could be considered as high, such a measure could not form a suitable approach to the use and development of such sites in the wider Broads area.
- 6.34. It is also noted that within the supporting documents the applicants state that 'We aim to provide opportunities for graduate and post graduate students which will be beneficial for all involved', and 'We are in touch with primary and secondary schools to offer outdoor education'. Whilst these are commendable aspirations to encourage educational benefits of the work being carried out at the site, these are not sufficient to outweigh the policy objection.

7. Conclusion

- 7.1. The site is categorised as being within the wider category of leisure plots and an assessment has been undertaken in relation to Policy DM50 of the Local Plan for the Broads. The policy outlines a presumption against the erection of structures at such sites. In support of the management of the site for ecological purposes the LPA considered provision of a storage shed to be justifiable under a previous planning application. The provision of an addition structure at the same site in the form of a yurt is not justifiable under the relevant policy and the principle of the development is unacceptable.
- 7.2. Local and National planning policies seek to protect the character and appearance of the Broads area and its protected landscapes. Whilst there are clearly varying levels of impact on this character and appearance, any impact must be considered in terms of the site location and characteristics. The provision of a large shiny white structure on an otherwise low key site with a predominantly unspoilt natural appearance, is not considered to be acceptable with regard to the character and appearance of that site and the surrounding area.
- 7.3. Whilst it is accepted that the site is largely screened from public views in the summer months, such screening is not satisfactory in masking the structure during winter months.
- 7.4. Furthermore the structure will have an impact on the enjoyment of neighbouring plots of land as it detracts from the character and appearance of the site and surrounding area.
- 7.5. The provision of overnight accommodation on a site defined as a leisure plot is at odds with that site classification, detrimental to the character and perception of the site. The site is within flood zone 3b and being a 'more vulnerable use' is assessed by the PPG as 'Development should not be permitted'; an objection to the development has been maintained by the Environment Agency.
- 7.6. It cannot be demonstrated the development is nutrient neutral, and in the absence of mitigation for the rise in nutrient levels through the provision of overnight accommodation the application must be refused due to nutrient impacts to European designated sites.

Recommendation

- 7.7. That planning permission be refused.

8. Reason for recommendation

- 8.1. The proposal is considered to be contrary Policies DM2, DM5, DM16, DM43, and DM50 of the Local Plan for the Broads the National Planning Policy Framework (2021) and Planning Practice Guidance which are a material consideration in the determination of

this application, and The Conservation of Species and Habitats Regulations 2017 (the Habitats Regulations).

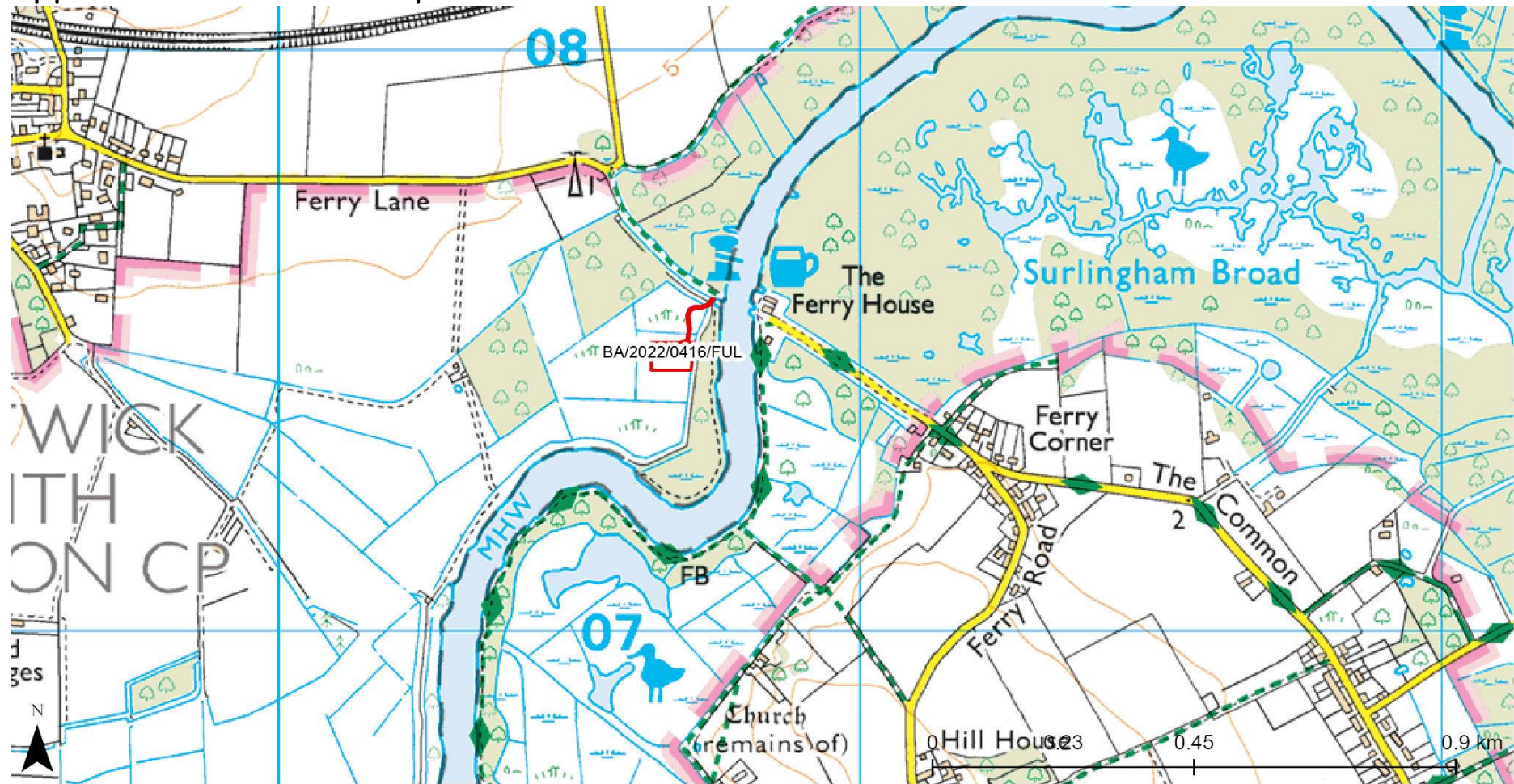
Author: Nigel Catherall

Date of report: 24 January 2023

Background papers: BA/2022/0416/FUL and BA/2022/0017/FUL

Appendix 1 – Location map

Appendix 1 – Location map



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