

Planning Committee

29 May 2020

Agenda item number 9.2

BA/2020/0002/FUL Land at Redbeck, adjacent restricted byway 11, Glamping site at Dilham

Report by Planning Officer

Proposal

Use of land for siting five 'glamping' pods with associated car/cycle parking, siting of package treatment plant and polishing reedbed.

Applicant

Mr L. Paterson

Recommendation

That planning permission be refused.

Reason for referral to committee

Objections received by the Parish Council and residents of Oak Road raise material planning considerations of significant weight.

Application target date

20 March 2020

Contents

1.	Description of site and proposals	2
2.	Site history	3
3.	Consultations received	3
4.	Representations	4
5.	Policies	4
6.	Assessment	4
7.	Conclusion	12
8.	Recommendation	12
9.	Reason for recommendation	12
	Appendix 1 – Location map	13
	Planning Committee, 29 May 2020, agenda item number 9.2	1

1. Description of site and proposals

- 1.1. The application site is a parcel of land known as 'Redbeck' that lies to the east of the village of Dilham. The Redbeck site is a narrow field with higher ground to the north, a short slope and lower ground to the south. To the west of the site are dry grassland fields currently grazed by horses. There is a shallow and largely dry ditch between the horse fields and Redbeck. There are two ways to access the site. One way is from Oak Road which runs west perpendicular of Honing Road just north of the village of Dilham; this route then follows Oak Road to its most western extent and the access is then via Restricted Byway 11 (RB11) heading south approximately 800 metres to the site gates. The other way to access the site is to turn right onto Broad Fen Lane at the most southern point of Honing Road; this is where the river runs to the end of its navigable channel at Tylers Cut and from here the access is then along Broad Fen Lane and onto RB11 which leads to the site gates.
- 1.2. The land to the east and south-east of the site is designated as a RAMSAR site, a Special Area of Conservation, a Special Protection Area and is a Site of Special Scientific Interest (SSSI). The site lies within the first SSSI Impact Risk Zone, which makes the ecology of the site very sensitive to any development and land use. To the east of the designated land is the North Walsham and Dilham Canal.
- 1.3. This application seeks consent to create a new tourism facility at the Redbeck site. Five new glamping pods are proposed to be dispersed at the northern end of the site. The glamping pods would measure 3.9m by 6 m and 2.95 m in height. A car parking area and service point area for bin stores would be located at the entrance of the site; this is proposed to be screened by native species hedgerow. Grass reinforced mesh would be used as a track to the individual pods. The pods would be fully serviced with electricity and fresh water. An underground water treatment plant would be situated at the southern end of the group of glamping pods, this would then discharge foul water to a natural reed bed filtration system which would filter (or 'polish') it, to remove unwanted contaminants from the foul water before discharging it back into the watercourse.
- 1.4. To create a reedbed suitable for water polishing the existing turf would need to be stripped off, some of the arising would be used to repair existing culverts on the site and spread across the site and some would need to be removed from site. The floor of the wetland would be 100 metres long by 20 metres wide with a depth of 0.4 metres. A single pipe running from the water treatment plant to the north of the reedbed would deliver the waste discharge from the plant to the reed bed. The waste water would run south along the reedbed which would then be penned into the wetland by a bund at the south end of the wetland measuring 0.6 metres high.
- 1.5. The works to create the wetland area would produce 800m³ of material plus an additional 140m³ from grading the edges of the wetland. It is not clear from the application what exactly would be done with the 940m³ material removed. It is suggested in the Habitats Regulation Assessment (2019), submitted alongside the

application, that the material could be moved upslope and spread around the glamping pod area. An alternative option proposed is to spread the material on the horse field to the west of the site (which is within the same field as the proposed glamping site). It is also stated that some material could be used to build local bunds and culverts. Lastly, a second dyke bund would be required to prevent water leaving the wetland from reaching the eastern boundary dyke with the SSSI to the east. This would need to be 5 metres wide and some spoil could be used to develop this.

- 1.6. Access to the site is proposed from Oak Road and along RB11. The western end of Oak Road is an adopted highway and the eastern end is privately owned by the applicant; the Restricted Byway forms part of Broad Fen Lane and runs alongside the site and the section which runs from Oak Road to the site in the ownership of the applicant. At the southern end of the Restricted Byway is a property known as Keepers Lodge. The northern end of the Restricted Byway joins to the private part of Oak Road, where there is a group of three residential dwellings and the Tonnage Bridge Glamping Site. This site offers 10 glamping pods and is in the ownership of the applicant.

2. Site history

- 2.1. There is no planning history related to this site.

3. Consultations received

Parish Council

- 3.1. **Objection** – The Parish Council objects to this application on highway and access and ecological grounds.

Environment Agency

- 3.2. No comment

Norfolk County Council (NCC) Highways

- 3.3. **No objection** – To the principle of development subject to conditions.

Norfolk County Council Public Rights of Way

- 3.4. **Objection** – Norfolk County Council objects to this application on Public Rights of Way grounds.

BA Landscape

- 3.5. **Objection** – Objection to the application on the grounds of impact on the Landscape character and the wider area.

BA Operations – Senior Environment Officer

- 3.6. **Objection** – Objection based on the risks to the SAC and SPA features of the site, and a possible in-combination effect of the two camping sites.

North Norfolk District Council Environmental Health

- 3.7. **No objection** subject to conditions.

4. Representations

- 4.1. In total 13 representations were received, 9 supporting the application on the grounds of rural economy, employment, and tourism and 4 representations raised objections over impact on the highway including the Restricted Byway, safety concerns regarding cyclists and pedestrians using the Restricted Byway, and impact on the location's historical and biological importance.

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:
 - DM2 – Water quality and foul drainage
 - DM13 – Natural Environment
 - DM16 – Development and landscape
 - DM18 – Excavated material
 - DM21 – Amenity
 - DM23 – Transport Highways and Access
 - DM27 – Business and Farm diversification
 - DM29 – Sustainable tourism and recreation development
 - DM30 – Holiday accommodation – new provision and retention
 - DM43 – Design
- 5.3. Both the National Planning Policy Framework (NPPF) and the National Planning Practice Guide (NPPG) are material considerations in the determination of this application.

6. Assessment

- 6.1. The proposal is for the development of a new tourism site in Dilham, consisting of five glamping pods. The key issues that need to be considered in determining this application relate to the principle of development, the impact the proposal would have on the surrounding landscape, highway network, natural environment and amenity of neighbouring occupiers.

Principle of development

- 6.2. In terms of the principle of development, national planning policies and the Broads Local Plan are supportive of encouraging a prosperous rural economy. In particular, Paragraph 83 of the NPPF highlights the importance of diversification projects and sustainable rural tourism in the rural economy. Paragraph 84 of the NPPF, however,

places great emphasis on the suitability of the location where the development is proposed specifically with regards to connections to existing settlements, impact on local roads and sensitivity to surroundings and Paragraph 172 places great weight on conserving and enhancing the landscape, wildlife, and cultural heritage in the Broads.

- 6.3. Considering local planning policies, the principle of this development is assessed against policies SP1, SP12, DM27, and DM29.
- 6.4. Policy SP1 (PINS Model Policy/Sustainable Development) is a strategic policy and sets out the overarching principles. It relates to sustainable development within the Broads and requires the local planning authority (LPA) to take a positive approach that reflects the presumption in favour of sustainable development set out in the NPPF. The Policy requires a proactive response to planning applications and encourages the LPA to find solutions. This is an important policy in that it sets out the principle of the desirability of supporting sustainable development, but it must be read and applied in conjunction with the other policies in the development plan.
- 6.5. Policy SP12 (Sustainable Tourism) develops this approach and seeks to strengthen the tourism offer in the Broads through the creation, enhancement and expansion of high quality tourism facilities. It recognises the need to support a vibrant tourism industry, but, as in SP1, recognises that this must be in accordance with the other policies in the Plan to ensure that the Broads' resources is protected.
- 6.6. The approach of the strategic policies is then developed into the more detailed DM policies, which apply these principles to specific development types and proposals. In this case, the main policies relevant to the determination of this application are DM27 (Business and farm diversification) and DM29 (Sustainable tourism development). They are both criteria based policies and it is appropriate to consider the proposal against each criteria in turn.
- 6.7. The objective of DM27 is to support rural businesses and agricultural enterprises by allowing them to diversify and generate new income streams to ensure their continued viability. Criterion (a) requires that the new uses proposed are complementary in scale and kind and support the original farm operation. In this case, the use of part of the holding for a small scale tourism operation does not conflict with this requirement and the applicant indicates that the revenue generated would support the farm. There is similarly no conflict with criterion (b) which states that there should be no loss of local or visitor facilities.
- 6.8. Criterion (c) relates to the local transport network and requires that there should be no unacceptable impact. The application site is proposed to be accessed off Oak Road and RB11 and, subject to this being achieved, there is no objection from the Highways Authority. There are, however, concerns from the Highways Authority about the practical achievability and enforceability of this route, as there is a simpler and faster route available, and these matters, along with the impact on the Public Right of Way (PROW), are discussed in further detail below (see paras 6.41-6.45). For the purposes

of criterion (c), however, the requirement is broadly met. Criterion (d) is not relevant, as it relates to diversification using buildings.

- 6.9. Finally, criterion (e) requires the proposal is in accordance with other policies of the Local Plan.
- 6.10. In addition to the criteria in the first part of the policy, the second part of the policy sets out the requirements in relation to the construction of buildings to support the proposed development. It states that new build development will only be permitted when it can be satisfactorily demonstrated that the diversified use cannot be accommodated through the conversion of an existing building and that such proposals shall not involve a significant amount of new build development, with any new buildings relating well to existing buildings or a farm group.
- 6.11. This application proposes five new buildings in the form of glamping pods. The Planning Statement submitted in support of the application states that there are no vacant buildings suitable for conversion and, further, that the applicant specifically wants glamping pods. There is no explanation or detail in this Statement of what has been considered in terms of buildings for conversion, or other options (for example, new build within and existing group of buildings) so it has not been demonstrated that the construction of 5 glamping pods as proposed is the only available approach for the applicant. There is question as to whether 5 glamping pods with a combined total floor area of 117sqm represents a 'significant amount of new build development' for the purposes of the policy, however it is considered that whilst this may not be large (in an objective sense), it is nonetheless new build development and putting it in a previously undeveloped part of the holding means that it is large relative to what was there before and so is significant locally. It is also remote from other buildings associated with the farm. Overall therefore it is concluded that the requirements of the second part of the policy are not met.
- 6.12. The third part of DM27 requires that any diversification proposal be complementary in scale and kind to the main operation, and this has been covered in criteria (a), and that the new use should not prejudice any existing or future agricultural use, which this would not.
- 6.13. In conclusion, it is considered that due to the conflict with the second part of the policy the application is contrary to DM27.
- 6.14. The second main policy to assess the proposal against is DM29. The objective of this policy is to direct tourism and recreational development to appropriate and sustainable locations with the necessary infrastructure and facilities.
- 6.15. Criterion (a) seeks to direct such development to sites within development boundaries or locations associated with existing visitor or tourism activities, however proposals arising from farm diversifications schemes are specifically excluded from this requirement so parts (i) and (ii) of this criterion do not apply to this application.

- 6.16. There is a supplementary part to criterion (a) which requires that the development must be satisfactorily accessed by sustainable means, which could include public transport, walking, cycling, horse riding or by water. The site's nearest train station is in Worstead approximately 3.5 miles away, and the nearest bus stop is 1.2 miles away. Given the limited level of facilities offered at the site, and the need to bring in provisions due to the remote location, it is considered more likely therefore that visitors to the site will in most cases arrive by car. Whilst the site is accessible via public rights of way (see below), it is not considered likely that visitors would use these to access the site for arrival and it is more likely that these will be used by the visitors during the holiday. It is not considered that the proposal meets this part of criterion (a).
- 6.17. The additional parts of criterion (a) require that (iii) the proposal is in accordance with other policies in the plan and (iv) that they do not involve a significant amount of new build development, with any new build development being of a scale that is compatible with the location and setting. The question of the principle of the new build development and whether or not this was 'significant' in the context of the policy was discussed in the assessment against DM27 above (see para 6.11). Similar arguments apply when assessing it against DM29, in that whilst the scale of development may not be large (in an objective sense), it is significant in the local context as the site and its surroundings are currently undeveloped. The second part of (iv) requires any new build development to be compatible with the location and setting and, again, in the context of an undeveloped site it can be concluded that any development on a locally significant scale (such as is proposed) will be incompatible.
- 6.18. The final part of criterion (a) requires that the development should not adversely affect a range of environmental factors, including water quality, landscape character, historic environment, protected species or habitats and where possible make a positive contribution. The impact on landscape character and protected species are discussed in detail below (see para 6.26 and para 6.31), but in summary it is concluded that the requirement is not met.
- 6.19. The second part of DM29, criterion (b) sets out the principles of sustainable tourism and recreation. The requirements for sufficient capacity of the highway network at part (vi), sufficient on-site parking at part (vii) and no adverse impact on navigation at (x) are broadly met and this is noted.
- 6.20. There are concerns, however, when considering the proposal against the remaining parts of the policy covering (viii) dealing with landscape character and protected species, (ix) high design quality suitable for the setting and (xi) the compatibility of the scale of the proposal for the location. The issues at (viii) and (ix) are discussed below, whilst (xi) covering compatibility of the scale is discussed above. Overall, it is considered that these latter 3 parts are not wholly met.
- 6.21. The final part of DM29 requires that regard be given to the cumulative impacts of tourism and recreation proposals on landscape character, nature conservation value

and local transport movement. This is supported by the reasoned justification which sets out the importance the quality of the natural environment has on the tourism economy and notes that intensive tourism and leisure uses can detract from the special qualities of the Broads upon which tourism relies. It is worth noting that a use does not have to involve a large area or high visitor numbers for it to be intensive, but that intensity is relative, so a modest level of activity in a small geographical or constrained area can result in use that is experienced as intensive.

- 6.22. In this case, there is an existing glamping site approximately 900 metres to the north of the application site. It was granted planning permission in 2018 and hosts ten glamping pods with associated facilities and car parking. It is also accessed via Oak Road and visitors to Redbeck would pass it before arriving at this site. This is Tonnage Bridge glamping and is owned and operated by the applicant.
- 6.23. There is also an existing camping site approximately 2.5 miles to the north on the edge of Dilham village. This was initially granted planning permission in 2017 and then extended in 2018 and has planning permission for 60 camping pitches, a toilet and shower block, car parking and associated facilities. This is Canal Camping and is owned and operated by the applicant.
- 6.24. Given the proximity of Tonnage Bridge Glamping to the proposed site it is considered that the development of a new tourism offer for five glamping pods accessed via the same road would lead to an inappropriate intensification of tourism within the area that would detract from the tranquil nature of this part of the Broads. It is also considered that adding a further 5 units to the existing 70 units in this part of Dilham would also result in an unacceptable cumulative impact. On this basis, the final part of DM29 is not met.
- 6.25. Overall, it is considered that the principle of the application for five glamping pods at the Redbeck site is not acceptable as it is contrary to the requirements of Policies DM27 and DM29 of the Local Plan for the Broads (2019). Even considering that the application is a form of business and farm diversification, which national policy and the Local Plan for the Broads does generally support, the principle of the development remains unacceptable. Impact upon the landscape
- 6.26. The application site is located in in the upper Ant valley in an area identified as Local Character Area (LCA 27) and characterised by a high overall landscape sensitivity to development due to the remoteness and tranquil rural nature. Policy DM16 (Development and landscape) requires planning applications to clearly demonstrated that the development proposals are informed by the Broads Landscape Character Assessment (2017). Accordingly a Landscape Visual Impact Assessment (LVIA) has been submitted in support of the application and the LVIA makes reference to the Broads Authority's Landscape Character Assessment (LCA) and Landscape Sensitivity Study.
- 6.27. The purpose of an LVIA is to describe and assess the impact of a proposal on the identified landscape character, however in this case the LVIA is mainly focussed on the

landscape impact on the site itself rather than the wider Landscape Character Area. In effect it starts at the site and looks out into the landscape, rather than the other way round (as required), so the conclusion that the overall effect on the character of the wider area would be negligible has not been demonstrated. There is little consideration of the effects on tranquillity in terms of the numbers of users, traffic generated, and noise and disturbance and the LVIA underplays the effect the change of use from agricultural grazing to a permanent leisure development in year round use would have on the land use of the site. It is not considered that the conclusion that this change would have a 'neutral scale of effect' is correct. Overall, It is considered that the judgements set out in the LVIA do not fully reflect the sensitive nature of the site and its landscape value, nor does it adequately tie the impacts on landscape to the nature of the development.

- 6.28. Furthermore, the impacts of the construction works on the site have not been taken into account in the LVIA and whilst these may be temporary, the clearance of trees and hedges required for the equipment to access the site will have a longer effects, as well as potentially opening up the site to longer range views. The off-site passing bays proposed on Oak Road have also not been considered in terms of landscape effects by the LVIA.
- 6.29. Whilst it is acknowledged that the development is not of a large scale, the cumulative landscape and visual impacts of the proposed glamping site in combination with the existing Tonnage Bridge site and the Canal Camping site will give rise to changes in the landscape character of the area to such an extent as to have significant effects on its key characteristics and these impacts would be permanent. The LVIA does not fully address these in combination landscape impacts.
- 6.30. Policy DM16, seeks to conserve key landscape characteristics of the Broads and states that development proposals that would have an adverse impact on either the character of the immediate or the wider landscape or special qualities of the Broads will not be permitted. This application proposes development that would introduce adverse landscape impacts and is therefore contrary to Policy DM16.

Ecology

- 6.31. The application site is located adjacent to areas which are subject to a high level of designation for their conservation value and any development proposal must demonstrate that this can be undertaken without harm to these protected interests. A Site Investigation Report and a Habitats Regulation Assessment has been submitted alongside the application. The Site Investigation Report identifies the potential ecological issues arising from the proposed development: these relate to water arising from the glamping pods (and contaminants it contains) and the impact this would have on the SSSI. It identifies the possible sources of water arising from the proposed glamping site, these are: runoff from roofs and hard surfaces, grey water arising from the toilet and showers, and foul water from toilets. It is also notes that flow to the SSSI is likely as the land falls towards the SSSI and the permeable soils drain easily.

- 6.32. The Authority's environment team raise an objection to this application on the grounds of the risks that the development would pose to the SAC and SPA features and the in-combination effect the two glamping sites (Tonnage Bridge to the north) would have on the internationally designated site with protected wildlife and habitats. These risks include water arisings and flow into the SSSI from the development impacting on aquatic communities and the SSSI Broad Fen, as well as noise disturbance from the holiday-makers and potential unauthorised access into the SSSI. It is noted that the applicant will have limited control over the cleaning and personal care products used by visitors at the site, which will drain into the treatment plant.
- 6.33. It is considered that the in-combination effect of this site and the Tonnage Bridge site to the north, including the increased traffic, pollution, noise and disturbance, will exacerbate the overall effect. It is noted that there are no details provided in the Habitats Regulation Assessment on the expected water quality once the waste has been treated and leaves the reedbed.
- 6.34. The applicant has sought to address these concerns in a further Planning Statement, however it is not considered that the objections are satisfactorily overcome.
- 6.35. Finally, officers from the Authority's Environment Team conducted a Habitats Regulation Assessment Screening Report. The HRA concluded that the development may potentially cause significant ecological impacts to the water quality and water supply of the adjacent Special Area Conservation (SAC), particularly the calcareous and alkaline fen features. This reinforces the objection from the Environment Team due to insufficient information included within the application to enable a thorough assessment of the ecological impact to the adjacent designated site and wider Ant Broads and Marshes (SSSI) catchment.
- 6.36. Considering Policy DM13 Natural Environment and the comments made by the Environment Officer, the proposed development would be in conflict with the objectives of these policies, Biodiversity and Natural Environment. The Policy, seek to protect biodiversity, minimise fragmentation of habitats, maximise opportunities for restoration and enhancement of natural habitats, incorporate beneficial biodiversity and geological conservation features (with good management), and include green infrastructure. It is considered that the proposed development in addition to the Tonnage Bridge Glamping Site would introduce unacceptable impacts on ecology, including the neighbouring SSSI, SAC, and SPA.

Amenity of residential properties

- 6.37. Moving to the issue of amenity, Policy DM21 protects existing neighbouring properties from unacceptable impacts on their amenity. Of the four representations that objected to the planning application, three of them were from the residents of Oak Road. The three residents all live at the eastern end of Oak Road close to Tonnage Bridge Glamping Site and north of the Restricted Byway 11. Access to the proposed Redbeck site is along Oak Road and then down (southwards) RB11, the access would therefore take all visitors past each property.

- 6.38. The residents note the increase of traffic generated from the ten Glamping pod site at Tonnage Bridge and the detrimental impact on the condition of the road resulting from increased vehicular traffic. They all state that the addition of a new glamping site offering a further five pods, will exacerbate the traffic using the road and increase the adverse impact on the condition of the road.
- 6.39. The planning application for the Tonnage Bridge glamping site was not considered to have a significant adverse impact on the amenity of the neighbouring properties, notably the three resident properties objecting to this application. However, it is considered that the fifty per cent increase in vehicular traffic on Oak Road that this proposed development would introduce, would have a significant impact on the condition of the road, the use of the road, and the noise generated from the road, contrary to Policy DM21.

Highways and public rights of way

- 6.40. The application proposes access from Oak Road and then onto RB11 and heading southward to the application site. The first 0.5 mile section of Oak Road is a public road maintained by the Highway Authority with the following 0.6 mile section a private road owned by the applicant. The access to this development site has highway and Public Rights of Way (PROW) implications.
- 6.41. Looking first at the highways issues, whilst the proposed access is along Oak Road and the northern section of RB11, there is an alternative route into the site using Broad Fen Lane and then onto the southern section of RB11, which is quicker and easier, being more direct. The Highways Authority is satisfied that the proposed Oak Road route is acceptable, but the Broad Fen Lane route is not. It requested details of measures proposed to prevent motorised access to and from Broad Fen Lane and the applicant has provided details of signage pointing drivers in the direction of Oak Road and has also stated that bollards in the form of a Kent Carriage Gap could be installed on the RB11 to physically exclude motorised traffic whilst allowing PROW traffic to continue.
- 6.42. It is considered that the provision of signage would be effective in diverting traffic initially, until a holiday-maker heads south on RB11 and finds out that the route along Broad Fen Lane is faster, so it would need to be supplemented by the proposed physical restriction in order to successfully prevent use of the faster route. Whilst the applicant is prepared to install a Kent Carriage Gap, it is the case that it is unlawful to block a PROW and the Highways Authority state that they could not support this, therefore whilst they continue to have concerns they advise that an objection on highways grounds could not be sustained. The Highways Authority also require the provision of 2 passing bays on Oak Road and this too can be the subject of a condition.
- 6.43. Looking then at the PROW issues, there is an objection to the application from Norfolk County Council grounds that the impacts on the public use of the RB11 would be unacceptable as it is not suitable in terms of width to accommodate safely both vehicles and public users.

6.44. The applicant argues that provided guests are advised to take care whilst driving along RB11, there is no reason public nuisance should frustrate the granting of planning permission, and this is noted, however it is the case that applicant will have no control over the behaviour of guests on the route. In commenting on the application, Norfolk County Council as the body responsible for Public Rights of Way advise that a public right to use the route safely takes precedence over a private right and this public right would be compromised by use of RB11 by private cars. Policy DM23 states: “When determining development proposals, the Authority will safeguard public rights of way” and it is considered that the proposal is in conflict with this.

7. Conclusion

7.1. The proposed development of a new tourism facility at the Redbeck site, comprising five individual glamping pods, a package treatment plant with water quality polishing reed bed and car parking and bin stores has not been adequately demonstrated to be a sustainable form of tourism development. The landscape character of the site would permanently change and the effect on the wider landscape character area would be significantly detrimental to the tranquil nature and the special qualities of the Broads. Furthermore, it has not been demonstrated that, the impacts of the proposed development on the neighbouring designated sites, the SSSI, SAC, and SPA would not be adverse and would not have a detrimental impact on the ecological functioning of the wetland. The impacts on the amenity of the local residents as a consequence of the additional vehicle movements would be significant. Access to the site would predominantly be reliant on the use of a private motor car and would take guests, third parties (for example, food deliveries, friends of guests), and anyone wishing to view the site along RB11 which would conflict with the public’s right to use the Byway and cause a public nuisance. For these reasons, the proposed development is not in accordance with the provisions of the Policies in the Local Plan for the Broads (2019).

8. Recommendation

8.1. That planning permission be refused.

9. Reason for recommendation

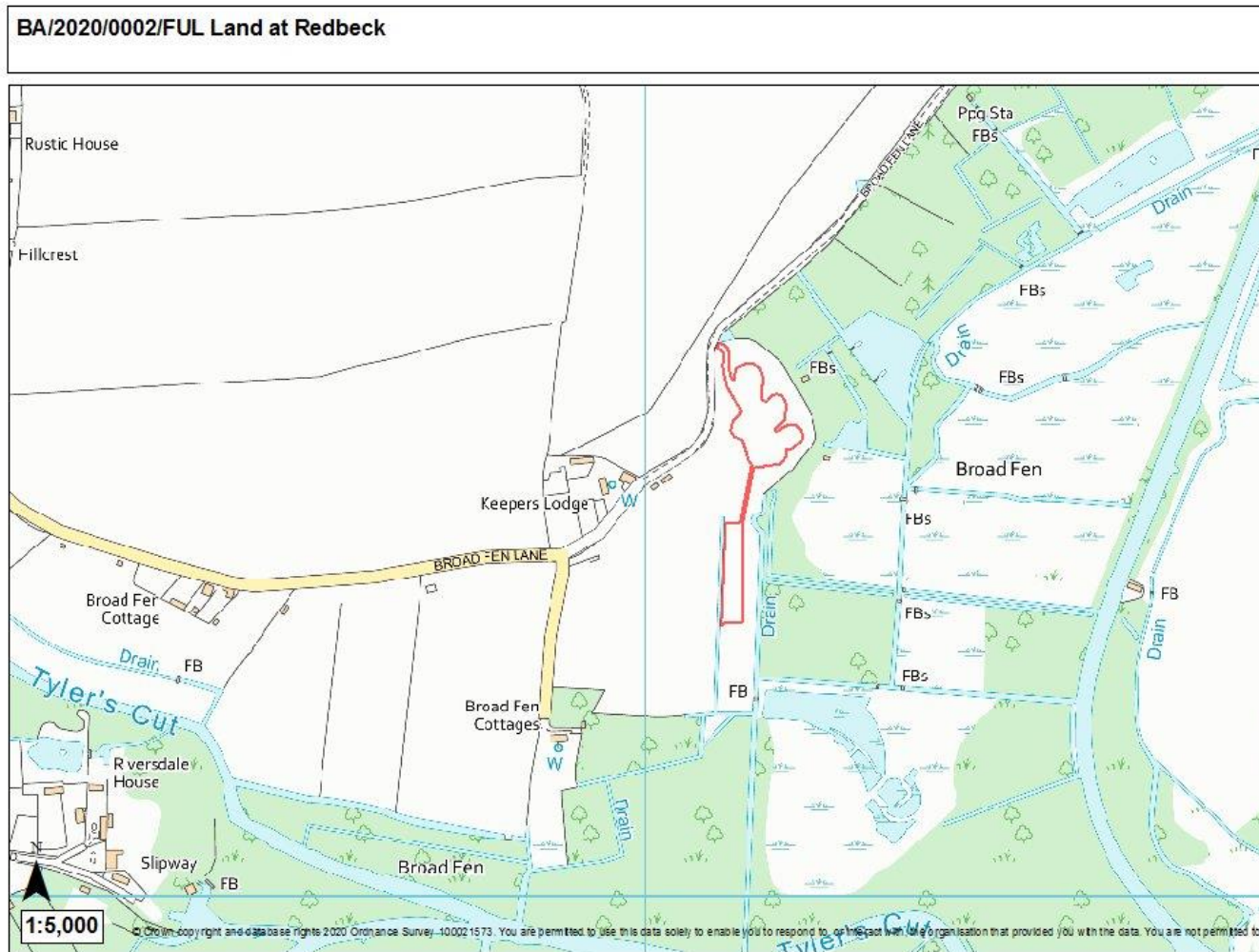
9.1. The principle of the proposed development is considered contrary to Policies DM27 and DM29 of the Local Plan for the Broads (2019). The proposed development is found to be contrary to Policies DM13, DM16, DM21, and DM23 of the Local Plan for the Broads (2019) and the National Planning Policy Framework (2019) which is a material consideration in the determination of this application.

Author: Calum Pollock

Date of report: 18 May 2020

Appendix 1 – Location map

Appendix 1 – Location map



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