



## Appeal Decision

Hearing held on 1 October 2024

Site visit made on 1 October 2024

**by G Dring BA (Hons) MA MRTPI MAUDE**

**an Inspector appointed by the Secretary of State**

**Decision date: 20 November 2024**

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**Appeal Ref: APP/L2630/W/24/3346313**

**Land north of Thistle Barn, Lodge Road, Tivetshall St Margaret, Norfolk NR15 2DL**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
  - The appeal is made by Miss A Garrett & Mr T Bloomfield against the decision of South Norfolk District Council.
  - The application Ref is 2023/3125.
  - The development proposed is erection of 1 no. self-build dwelling and new garage.
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### Decision

1. The appeal is allowed and planning permission is granted for the erection of 1 no self-build dwelling and new garage at land north of Thistle Barn, Lodge Road, Tivetshall St Margaret, Norfolk, NR15 2DL in accordance with the terms of the application, Ref 2023/3125, subject to the conditions in the attached schedule.

### Preliminary Matters

2. I have taken the site address above from the appeal form as it more clearly identifies the location of the appeal site. I have however used the postcode from the planning application form as it was omitted from the appeal form.
3. The appeal site is located within the Zone of Influence of a number of European sites. Whilst not a disputed issue, I have a legal duty under The Conservation of Habitats and Species Regulations 2017 (as amended) to carry out an Appropriate Assessment (AA). I have therefore added this matter as a main issue and will consider it further below.

### Main Issues

4. The main issues are:
  - whether the appeal site is in a suitable location for residential development with reference to the spatial strategy in the development plan;
  - whether the appeal site is in a suitable location for residential development with regard to the accessibility of services and facilities by sustainable modes of transport;
  - the effect of the proposal on the character and appearance of the area;

- the effect of the proposal on the integrity of European sites, with particular regard to recreational pressure; and
- whether there are other considerations that indicate a decision other than in accordance with the development plan.

## **Reasons**

### *Spatial Strategy*

5. The appeal site is not located within any defined development boundary. Consequently, it is within the countryside for the purposes of the development plan, a matter not disputed by the parties. Policy DM1.3 of the South Norfolk Local Plan Development Management Policies Document Adopted Version October 2015 (DMPD) states that permission for development in the countryside will only be granted where specific Development Management Policies allow, or it is otherwise demonstrated that there are overriding benefits in terms of economic, social and environmental dimensions as addressed in Policy 1.1.
6. I have not been referred to any other policies within the DMPD that the appeal proposal would comply with. The appellant asserts that the test of whether there are overriding benefits, is whether the benefits of a scheme outweigh the harm, rather than the need for any exceptional justification.
7. The proposal would result in one additional dwelling which would be a self-build or custom build development (SBCB). It would therefore provide social benefits by adding to the housing supply and housing mix in the local area. There would be some economic benefits during the construction of the dwelling and future occupiers would be likely to support local services and facilities.
8. However, due to the small scale of the development these benefits are modest and therefore I do not consider that the provision of a single dwelling would result in overriding benefits in the context of Policy DM1.3 of the DMPD and the intention of that policy to set out a spatial strategy for the area, providing the certainty of a plan led system.
9. Policy 7.5 of the Greater Norwich Local Plan Document 1 – The Strategy (Adoption Version for Councils, March 2024) (LP1) allows for SBCB development of up to 3 dwellings for people who meet the eligibility criteria for Part 1 of the relevant district’s self-build register (SBR) and where a site is within or adjacent to a settlement with or without a defined settlement boundary.
10. In my view, the appeal site would not be within or adjacent to a settlement with or without a defined settlement boundary. The appeal site and the small group of buildings that it is adjacent to are spatially removed from the main built up areas of the adjoining settlements of Tivetshall St Margaret and Tivetshall St Mary (the Tivetshalls), due to intervening countryside. The area around the group of buildings adjacent to the appeal site is rural in character and is more akin to a countryside location rather than being within or adjacent to a settlement.
11. Therefore, whilst I do not dispute the social connection that occupiers of dwellings around the appeal site have with the nearby settlements, due to the

visual and spatial disconnect, the location of the appeal site would not comply with the requirements of Policy 7.5 of LP1. As such, the fact that the appellants would meet the requirements of Part 1 of the SBR is immaterial in this case.

12. Whilst I understand that permission was granted for the conversion of the adjacent barn to a dwelling, the re-use of an existing building is subject to different planning considerations and does not establish the acceptability of the principle of new build development in that location.
13. Given the proximity to other dwellings and built form, the appeal site would not be isolated under the test set out in paragraph 84 of the National Planning Policy Framework (the Framework). Nonetheless, it is still not adjacent to a settlement.
14. I therefore find that the proposal would not be in a suitable location for residential development with reference to the spatial strategy in the development plan. The proposal would be contrary to Policy DM1.3 of the DMPD and Policies 1 and 7.5 of the LP1, which aim to guide change and new development to sustainable solutions and locations through a sustainable growth strategy.

#### *Accessibility of services and facilities*

15. During my site visit I noted the presence of limited services and facilities in the Tivetshalls including the primary school, village hall, Post Office and the other facilities in the local area noted in the appellant's statement. I understand that the appellant walked from the dwelling adjacent to the appeal site to the local primary school as a child and since that time they have used this route for recreation, for dog walking and horse riding.
16. During the hearing I was advised that Star Lane, the main route into the Tivetshalls from the appeal site, is designated as a quiet lane, a scheme implemented by the Parish and County Councils to identify roads that can be highlighted as such, meaning that motorists are made aware of the use by pedestrians, cyclists and horse riders.
17. Although I accept that, in terms of distance, walking from the appeal site to the primary school and village hall would be possible, the route would involve walking along narrow rural roads with no separate footpath or lighting. The majority of the route is along roads subject to the national speed limit, although I note due to the constrained nature of Star Lane in particular, it is likely that vehicles would not be travelling at or near to the speed limit. There are verges and field access points that could be utilised to stand clear of the road along the majority of the route, but this might not be suitable for those with mobility issues or for those with pushchairs for instance. It would be possible for future occupants to cycle the route, but this would depend on them having the confidence to navigate the narrow rural roads.
18. Given the limited nature of the services and facilities provided in the Tivetshalls a journey to the nearby village of Pulham Market would be required to meet a wider range of day to day needs. Whilst it is likely that these trips would be made by the private car, I accept that journeys to meet these wider needs would be short, given the relatively limited distance, particularly in the rural context of the appeal site.

19. I also note the Public Right of Way (PRoW) connection that runs from north of the appeal site across fields to Norwich Road, leading to Cherry Lane Garden Centre and Café. This would provide a recreational route and destination but given the distance and type of route along field boundaries, it would not necessarily be inviting all year round.
20. At the hearing it was identified that an additional bus service has recently become operational that serves both Tivetshall St Margaret and Tivetshall St Mary, but this is limited to one journey each way to and from Diss, Monday to Saturday. This is in addition to the more regular bus service between Norwich and Diss that runs along the A140. However, the distance to the bus stops to access these services would be around a 20 minute walk, also along rural roads with no separate footpaths or streetlighting.
21. I accept that the distance to work in the family business for both the appellants would be reduced by moving to live at the appeal site, compared with where they live currently. However, they would still have to commute by private vehicle.
22. In my view, whilst it would be an option for some to make journeys by foot, bicycle or public transport, given the constraints set out above, it would be likely that a significant proportion of journeys to and from the appeal site would be by private car, particularly during the winter months, in poor weather and in the evenings.
23. The appellant has identified that even when living in a larger settlement where there are services and facilities present, there is still a reliance on the private car, due to overall distances from housing developments to the services and facilities and the lack of streetlighting along pavements. Nevertheless, to my mind, residents of such locations, would still have the option to walk or cycle, more easily and safely than in a rural location and would not be entirely dependent on the private car as they would be here.
24. The appellants have referred me to a number of other appeal decisions. I do not have any of the evidence before me that was considered in those cases. However, it is clear that the accessibility of services and facilities by means other than the private car were assessed as being acceptable and that in the majority of the examples, the sites were found to be in close proximity to key service centres or service villages, which is different to the circumstances of the case before me. In the case of Fox Lodge, the proposal related to a conversion scheme which also had a realistic fallback position in place for the provision of two holiday rentals, therefore it is not comparable to the appeal proposal. In the example provided at Broome, the location and accessibility of services and facilities were not a main issue.
25. I am referred to an appeal decision in Guestwick, which is located in the neighbouring district of Broadland. Whilst not within South Norfolk, Guestwick is covered by the same LP1 as the appeal site. The Inspector found in that case that the appeal site was remote from everyday services and facilities and that consequently future occupants would be reliant on private motorised transport. It was also found that whilst car journeys would be short, they would soon add up over the life of the development and that the proposal would be at odds with the sustainable transport objectives set out in the Joint Core Strategy at that time.

26. In my view, the appeal site before me would be largely comparative to the Guestwick case in terms of accessibility to services and facilities. My view is consistent with that decision.
27. I therefore find that the appeal site would not be a suitable location for the proposal with regard to the accessibility of services and facilities by sustainable modes of transport. It would be contrary to Policy 2 of the LP1 and Policies DM1.1 and DM3.10 of the DMPD, which seek, amongst other things, that development proposals ensure safe and convenient access for all, including by non-car modes, that they are designed to reduce the need to travel and maximise the use of sustainable forms of transport, appropriate to the location and that they contribute to achieving sustainable development.

#### *Character and appearance*

28. Throughout the Tivetshalls and across the surrounding rural area there is a real mix in the design of dwellings which adds to a varied character and appearance. However, dwellings are generally one or two storeys in height.
29. The proposed dwelling and garage would be located on a vacant area of land to the side of the adjacent barn conversion, which is bound by a high mature hedge and trees along the northern boundary. Agricultural land is beyond the appeal site to the north. Directly to the rear are commercial buildings and an associated yard area. To the south of and in line with the barn conversion is a dwelling which fronts onto the road. To the north of the appeal site is a row of dwellings on the opposite side of the road that follow a uniform front building line. Beyond that row of dwellings are a number of properties that sit back from the road. The remainder of the site boundary is enclosed by post and wire fencing, close boarded fencing and a field gate.
30. The proposed dwelling would be set back from the road towards the rear of the plot, with a single garage that would largely align with the front building line of the neighbouring barn conversion. The frontage onto the road would be maintained for the proposed dwelling. No part of the proposal would encroach onto the agricultural land adjacent and it would be fully enclosed by existing boundary treatments.
31. Whilst I accept that the two dwellings adjacent to the south, which the appeal proposal would be next to, follow a fairly consistent front building line, there are other buildings within the yard area to the rear that sit further back, in particular a brick built garage building with accommodation above. The large commercial buildings to the rear also inform the pattern of development in the immediate surroundings of the appeal site. The proposed dwelling would be mainly seen in the context of the built form immediately surrounding it to the east and south where there is built form set back from the road. The siting of the proposed dwelling would therefore not appear at odds with the surrounding pattern of built form.
32. The footprint of the proposed dwelling appears in keeping with others in the immediate surroundings. The siting of the dwelling is such that it would be separated from the southern boundary, reflecting the gaps between dwellings in the local area. There would be sufficient space retained for a garden and parking area which would ensure that it would not appear cramped.

33. The traditional approach to the design of the front elevation would respect the rural character of the area. I note that the massing of the building is larger to the rear than others in the area, that the side gables appear as a fairly strong design feature and that the rear part of the dwelling would extend further south than the principal elevation. However, given the setback, the limited height and the variation in the roofscape I do not consider that it would be overly prominent. This is particularly so, given the context in which it would be seen.
34. During my site visit I noted a number of properties in the local area with dormer windows to the front and porches that are visible from public view. There were also a large number of properties constructed of red brick and some that were partly clad with timber or timber look cladding. The Council suggested a condition which would require specific details of external materials to be submitted and agreed. At the hearing, the appellant confirmed that they would be content with this approach, in order to ensure the materials used would reflect the character and appearance of the local area.
35. I therefore find that the proposal would not be harmful to the character and appearance of the area. It would therefore comply with Policy DM3.8 (4) of the DMPD and Policies TIV1 and TIV3 of the Tivetshalls Neighbourhood Plan 2022-2042 Adopted Version December 2022. These policies seek, amongst other things, that development is designed to successfully integrate into the surroundings, reinforce local character and distinctiveness, consider local context and be of a high standard of design and finish.
36. As a result the proposal would also comply with the Tivetshall Design Guidance and Codes Final Report Update March 2022, which highlights that the extent and depth of building setbacks must be sympathetic to the immediate context, that the roofline should be characterised by informality and diversity, that dormers can be used to add interest, that gabled porches are an appropriate feature and that the use of red brick and weatherboarding is consistent with the local area.

#### *European sites*

37. The appeal site is located within the Zone of Influence of a number of designated European sites, including Breckland Special Protection Area (SPA) and Special Area of Conservation (SAC), The Wash SPA, The Wash and North Norfolk Coast SAC, The Wash Ramsar and the Norfolk Valley Fens SAC.
38. The Breckland SPA and SAC designations are characterised by an extensive area of grass heath, some heather heath, large arable fields, and the largest coniferous forest in lowland England. This habitat provides for wild birds including internationally important populations of Stone Curlew, Nightjar and Woodlark.
39. The coastline along The Wash is the largest marine embayment in Britain, with the second largest expanse of intertidal sediment flats in the country. The Norfolk Coast from the Wash around to the East coast is the only typical British example of a barrier beach system with extensive areas of salt marsh with characteristic creek patterns that have developed behind sand and shingle spits and bars. The Wash and North Norfolk coast is important for breeding and moulting of one of Europe's largest populations of common seal. The intertidal mudflats and salt marshes represent one of Britain's most

important winter-feeding areas for waders and wildfowl outside of the breeding season. The Norfolk Valley Fens SAC is made up of sensitive habitats that are important for breeding and non-breeding birds.

40. As is apparent from the Norfolk Green Infrastructure and Recreational impact Avoidance and Mitigation Strategy Habitats Regulations Assessment Strategy Document March 2021 (GIRAMS), Natural England, in its role as statutory nature conservation body, has identified that there is potential for recreational activities to disrupt the protection objectives of European Sites in and around Norfolk, specifically as a result of an increase in population resulting from residential growth and an increase in tourism accommodation, resulting in more people visiting and possibly harming European Sites.
41. The appeal scheme involves the provision of a new dwelling within the Zone of Influence. This is likely, in turn, to increase recreational pressure. It is therefore likely that the proposal, both alone and in combination with other developments, has significant effects on the European Sites identified above. As such, in accordance with the Regulations, it is necessary for me, as the competent authority, to conduct an Appropriate Assessment (AA) of the project's implications in view of the relevant sites' conservation objectives.
42. The European sites identified above are covered by the GIRAMS which has been adopted by the Council in partnership with other affected local planning authorities. The GIRAMS comprises a range of mitigation measures including the provision of open space as part of developments, monitoring, education and communication with recreational users, collating information about habitats and working with landowners and partners.
43. The GIRAMS identifies a financial contribution to be sought in connection with proposals that are likely to adversely affect the integrity of the European Sites, to fund avoidance and mitigation measures on a wider strategic basis. A Unilateral Undertaking (UU) has been submitted in this regard.
44. The UU would secure a mitigation payment in relation to European sites which I find would meet the tests set out in paragraph 57 of the Framework and the requirements of Regulation 122(2) of the Community Infrastructure Levy (CIL) Regulations 2010 (as amended). Therefore, I am able to take this into account.
45. Consultation with Natural England confirms that the financial payment identified as a Recreational impact Avoidance and Mitigation Contribution set out in the UU is commensurate with the tariff that has been collectively agreed as part of the GIRAMS. I therefore conclude through my AA, that I am satisfied that delivery of the mitigation secured by the appellants' financial contribution, would ensure that the appeal proposal would not have an adverse effect on the integrity of European sites.
46. The same UU also sets out a green infrastructure contribution. However, I have not been provided with sufficient evidence to justify this contribution. Therefore, I do not find that it has been demonstrated that a green infrastructure contribution would meet the Framework tests or the CIL Regulation requirements in this case. I therefore am unable to take this green infrastructure contribution into account in considering this appeal.

*Other considerations*

47. The Council has confirmed that due to nutrient neutrality issues that are currently being addressed, it is taking a precautionary approach in confirming that it cannot currently demonstrate a five year supply of housing land (5YHLS).
48. I have found the location of the proposal would be contrary to the spatial strategy set out in the development plan and that it would have only limited access to services and facilities by sustainable modes of transport, resulting in conflict with Policies 1, 2 and 7.5 of the LP1 and Policies DM1.3 and DM3.10 of the DMPD. I find that the overarching aim of these policies are in general consistency with the approach in the Framework.
49. However, whilst the conflict with the development plan amounts to harm, the weight to be given to these policy conflicts are reduced due to the shortfall in 5YHLS. Furthermore, given the relatively small scale of the proposal and the proximity of some limited services, the harm from the likely increase in travel by private car is reduced. Accordingly, I afford modest weight to the conflict with Policies 1, 2 and 7.5 of the LP1 and Policies DM1.3 and DM3.10 of the DMPD.
50. The proposed development would not harm any areas or assets of particular importance. Therefore, paragraph 11(d)(i) of the Framework is not engaged. Paragraph 11(d)(ii) of the Framework confirms that in such circumstances, permission should be granted unless any adverse impacts would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
51. The appeal proposal would create an additional dwelling that would help reduce the Council's housing deficit and would accord with one of the Framework's aims of boosting housing supply. The proposal would also provide some modest associated socio-economic benefits that would arise from the construction and the longer-term additional support to the vitality of the local community from the future occupiers. However, given that the proposal is for a single dwelling such benefits would be limited and therefore I attribute moderate weight to these matters.
52. The proposal would be for a SBCB dwelling and a Unilateral Undertaking is submitted which would ensure that any development of the site would be a form of development that accords with the legal definition of SBCB. I consider that this agreement accords with the tests for planning obligations set out under Regulation 122 of the CIL Regulations and the Framework.
53. At the hearing the appellants explained the level of involvement that they had in the drafting of the proposed scheme, and I am satisfied that they have had primary input into the final design and layout, as required.
54. The Self-Build and Custom Housebuilding Act 2015 (as amended) requires that within three years following each base period an authority must give permissions for the carrying out of SBCB housebuilding on enough serviced plots to meet the demand for such housing.
55. The Planning Practice Guidance (PPG) provides advice on what methods a planning authority may wish to consider in determining whether an application or development is for SBCB and states that 'a relevant authority must be

satisfied that development permissions being counted meet the legislative requirements<sup>1</sup>.

56. Allowing for a comparison of the most recent complete three year period of demand versus supply, both parties agreed at the hearing that the demand from base period 1 up to base period 5 (30 October 2020) equates to 585 and the cumulative supply figure provided up to the end of base period 8 (30 October 2023) is 617. This suggests, without any interrogation of the information provided, that the Council has been meeting its requirement, with an oversupply of 32 permissions by the end of base period 8.
57. In terms of supply, a development permission only counts in meeting the duty if it is actually for SBCB, not if it could be. The Council has identified that prior to 1 February 2024 all permissions for 1-3 dwellings are included in the supply and no analysis has taken place to discover if they are SBCB developments. From the 1 February 2024, the Council identify that certain criterion had to be met for a development permission to be included as part of the SBCB supply, including the description of development referencing the terms self-build or custom build, being subject to a planning condition to this effect or a legal agreement.
58. Whilst the latter approach to recording the supply is much more robust, this has only been in place for a short period of time and the significant majority of the supply identified is based on the previous approach which provides no analysis or justification as to whether a permission was for SBCB or not. Therefore, due to the lack of substantive evidence relating to the supply of SBCB plots the Council has not satisfactorily demonstrated that it has granted enough permissions to meet the demonstrated demand for SBCB in its area.
59. At the hearing the Council referred me to an appeal decision at Poringland where the Inspector considered that there was sufficient evidence to confirm that the Council was meeting its requirement in respect of the supply of SBCB permissions. Some time has passed since that appeal decision and I do not have the evidence before me that was considered in that case. I am not aware as to whether any additional analysis of the permissions included in the supply was provided. I understand that analysing whether a permission can be included as SBCB can be complex in some cases, but as identified at the hearing no analysis at all has been done prior to 1 February 2024 on whether a permission is likely to be SBCB. This is contrary to the guidance set out in the PPG.
60. I therefore find that I should give weight to the SBCB nature of the proposal. The delivery of such is a clear public benefit albeit the proposal is for a single plot. Given the limited scale of the proposal I attribute moderate weight to this benefit.
61. At the hearing it was stated that the local primary school has been subject to pressure for closure previously. The evidence before me on this matter however is very limited. Whilst I do not consider that a proposal for one dwelling would have the potential to save a school from closure, it may provide for some support, given the family sized home being proposed. I attribute limited weight to this benefit.

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<sup>1</sup> Planning Practice Guidance - Paragraph: 038 Reference ID: 57-038-20210508 – Revision Date: 08 02 2021

62. Paragraph 83 of the Framework states that in order to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities and where there are groups of smaller settlements, development in one village may support services in a village nearby. Nonetheless, the appeal site is located outside of a settlement and due to the small scale of the development, any benefit to local services or nearby villages would be very limited.
63. Paragraph 108 of the Framework sets out an objective that opportunities to promote walking, cycling and public transport use are identified and pursued, and I have found above that whilst these may be options for some, not everyone would find these other modes of transport easily accessible from the appeal site. There is therefore some conflict with the Framework in this regard.
64. However, I am also mindful that paragraph 109 of the Framework recognises that opportunities for sustainable transport will vary between urban and rural areas. In that context, the appeal site is only a short car journey from the Tivetshalls, Pulham Market and other services and facilities in the local area, thus limiting car use.
65. I note the appellants assertion that they would be required by Building Regulations to provide an electric vehicle charging point as part of the proposal and that the Glossary to the Framework includes ultra low and zero emission vehicles as a sustainable transport mode. However, it could not be required by any planning agreement or condition that future occupants must use such a vehicle and therefore any benefits in this regard would be limited.
66. Whilst I consider that this is a finely balanced case, I find that when assessed against the policies in the Framework, the adverse impacts of the development would be moderate and would not significantly and demonstrably outweigh the benefits of the proposal when assessed against the policies in the Framework taken as a whole. As such, the presumption in favour of sustainable development set out in the Framework applies. Given that finding, it follows that the proposal would also accord with Policy DM1.1 (d) of the DMPD which largely mirrors paragraph 11(d)(ii) of the Framework.

### **Conditions**

67. A number of conditions have been suggested by the Council in the event of the appeal being allowed, which I have assessed and, where necessary, amended and reordered in line with the advice provided in the PPG. As well as the standard time limit for commencement, a condition requiring adherence to the approved plans is necessary for certainty. Conditions requiring tree protection, external materials and landscaping details are necessary in the interests of the character and appearance of the area. Tree protection details are required prior to commencement in order to ensure they are adequately protected prior to any works taking place.
68. A condition requiring a surface water drainage scheme is necessary to ensure that the development does not increase flood risk on or off-site. I have included the surface water drainage element of the suggested access condition in the surface water drainage condition in the interests of clarity.

69. I have imposed conditions requiring the vehicular access to be upgraded and that the parking and turning area are provided prior to occupation and retained as such. A condition is also necessary to ensure any obstruction, such as gates, are set back. These three conditions are necessary to ensure highway safety.
70. A condition identifying the actions needed if contamination not previously identified is found during the development is imposed, in the interests of protecting the living conditions of future occupants and the environment more generally.
71. I have not imposed a condition restricting permitted development rights for extensions and outbuildings as suggested at the hearing. I do not find that there is specific reason for doing so, particularly given the advice in the PPG in this respect. Also, given the proposed siting of the dwelling limits what could be built out under permitted development rights, I do not consider it reasonable. A condition requiring that the proposal is a SBCB development is not required as this has been secured through the submitted Unilateral Undertaking.
72. The Council has suggested a number of informatives relating to Community Infrastructure Levy requirements, GIRAMS, contamination, recommendations regarding an acoustic enclosure and works within the public highway. I am satisfied that the appellants have seen these informatives, given that the Council provided them in Appendix A of its Statement. I have not attached them to this decision, given they have no legal weight.

### **Conclusion**

73. The proposed development would conflict with the development plan, but material considerations indicate that a decision should be made other than in accordance with it. Therefore, for the reasons given above the appeal is allowed subject to conditions.

*G Dring*

INSPECTOR

### **Schedule of Conditions**

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with drawing nos: 0289 01 and 0289 02.
- 3) Development shall not commence until a scheme for the protection of the retained trees has been submitted to and approved in writing by the Local Planning Authority. The tree protection measures are to be installed in accordance with the approved scheme prior to the commencement of the development hereby permitted. The approved tree protection measures are to be maintained as approved and observed throughout the construction period. No construction related activities (for example: storage and/or siting of vehicles, fuel, materials site huts or other buildings or ancillary equipment; raising or lowering of ground levels; installation of underground services, drains etc) may be undertaken within the identified Construction Exclusion Zones and fenced areas.

In the event that any tree becomes damaged during construction, the Local Planning Authority should be notified, and remedial action agreed and implemented.

- 4) No development above slab level shall take place until details of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
- 5) No development above slab level shall take place until full details of both hard and soft landscape works, including a programme for implementation, have been submitted to and approved in writing by the Local Planning Authority. These details shall include:
  - existing and proposed finished levels;
  - means of enclosure;
  - parking layout, pedestrian access and circulation area;
  - hard surfacing materials;
  - other minor structures (e.g. furniture, refuse or other storage, lighting);
  - proposed and existing functional services above and below ground;
  - planting plan;
  - written specifications including cultivation and other operations;
  - schedules of plants including species, number/densities and plant sizes;
  - implementation programme.

If within a period of ten years from the date of planting, any tree or plant (or any tree or plant planted in replacement for it), is removed, uprooted or it is destroyed or dies, another tree or plant of the same species and size as that originally planted shall be planted in the same position.

The landscaping works shall be carried out in accordance with the approved details and agreed implementation programme.

- 6) No development other than works required for the laying of foundations shall commence until details of the means of surface water drainage, have been submitted to and agreed in writing with the Local Planning Authority. The details shall include the results from percolation tests if appropriate and incorporate installation of water efficiency and water saving devices such as rain saver systems. Arrangement shall be made for surface water drainage to be intercepted and disposed of separately so that it does not discharge from or onto the highway carriageway. The development shall be carried out in accordance with the agreed details prior to first occupation and shall be retained as such thereafter.
- 7) Prior to first occupation the vehicular access shall be upgraded in accordance with the Norfolk County Council residential access construction specification for the first 2 metres as measured back from the near channel edge of the adjacent carriageway.
- 8) Prior to the first occupation of the development hereby permitted, the proposed access, parking and turning area shall be laid out, levelled and surfaced in accordance with the approved details and retained thereafter for that use.
- 9) Any access gates/bollards/chain/other means of obstruction shall be hung to open inwards, set back and thereafter retained a minimum distance of 5 metres from the near channel edge of the adjacent carriageway. Any sidewalls/fences/hedges adjacent to the access shall be splayed at an angle of 45 degrees from each of the outside gate posts to the front boundary of the site.
- 10) If, during development, contamination not previously identified is found to be present, then no further development shall be carried out in pursuance of this permission until a scheme has been submitted to and approved by the Council as a Local Planning Authority detailing how this contamination shall be dealt with. Only when evidence is provided to confirm the contamination no longer presents an unacceptable risk, can development continue.

## **APPEARANCES**

### FOR THE APPELLANT:

|                  |                           |
|------------------|---------------------------|
| Jason Parker     | Agent                     |
| Sarah Boosey     | Architectural Designer    |
| Ashleigh Garrett | Appellant                 |
| Tyler Bloomfield | Appellant                 |
| Lisa Garrett     | Ashleigh Garrett's Mother |

### FOR THE LOCAL PLANNING AUTHORITY:

|                      |  |
|----------------------|--|
| Bruno Fraga Da Costa | Senior Planner                           |
| Christopher Rickman  | Principal Planning Officer               |
| Carole Baker         | Principal Planning Officer – Local Plans |

### INTERESTED PARTIES:

|                           |                   |
|---------------------------|-------------------|
| Councillor Clayton Hudson | Local Ward Member |
|---------------------------|-------------------|