



Appeal Decision

Site visit made on 21 July 2025

by **K Allen MEng (Hons) MArch PGCert ARB**

an Inspector appointed by the Secretary of State

Decision date: 21 August 2025

Appeal Ref: APP/V2635/W/25/3363204

Pentney Woods, Common Road, Pentney, King's Lynn, Norfolk PE32 1LE

- 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 Forestscape Ltd against the decision of King's Lynn and West Norfolk Borough Council.
 - The application Ref is 21/01824/FM.
 - The development proposed is the Change of Use of Woodlands to Holiday and Recreational Site; Including the Siting of Portable Eco Holiday Lodges; Woodland Centre and Reception, Health and Wild Swimming Centre, Car Parking and Associated Works.
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Decision

1. The appeal is allowed, and planning permission is granted for the change of Use of Woodlands to Holiday and Recreational Site; Including the Siting of Portable Eco Holiday Lodges; Woodland Centre and Reception, Health and Wild Swimming Centre, Car Parking and Associated Works at Pentney Woods, Common Road, Pentney, King's Lynn, Norfolk PE32 1LE in accordance with the terms of the application, Ref 21/01824/FM, subject to the conditions in the attached schedule.

Application for Costs

2. An application for costs was made by Forestscape Ltd against King's Lynn and West Norfolk Borough Council. This application is the subject of a separate decision.

Preliminary Matters

3. It has been brought to my attention that the King's Lynn and West Norfolk Local Plan (March 2025) (LP) was adopted by the Council on 27 March 2025 and replaces the previous Local Development Framework - Core Strategy (July 2011) and Site Allocations and Development Management Policies Plan (September 2016). Both main parties have had the opportunity to comment on the implications of this for the appeal and I have dealt with the appeal on this basis. I am satisfied that no interested party has been prejudiced by this approach.

Main Issue

4. The main issues are the effect of the proposal on:
 - the character and appearance of the area; and
 - the natural environment and environmental qualities of the surrounding area.

Reasons

Character and appearance

5. The appeal site is rurally located. It comprises an area of woodland covered by a group Tree Protection Order. The woodland comprises a variety of species with tracks and openings within the trees allowing for access across the site by vehicles and plant machinery. A large linear pond runs along part of the southern boundary. The appeal site is bordered by further areas of woodland to the east and west, open countryside to the north and Pentney Lakes Holiday Park to the south.
6. The proposal would introduce 36 residential plots and 2 community plots within the woodland with the reception and car parking facilities to the south adjacent the existing restaurant on the Pentney Lakes site. Despite the introduction of the lodges, the proposal would be low density. The lodges would be limited in size, constructed from sustainable materials, set back from the site boundaries and screened by native planting.
7. The final design of each lodge, areas of hardstanding, fencing and lighting have not been put forward at this stage. However, the plot design brief sets out a series of stringent requirements for each lodge and I am satisfied that further details could be secured subject to a series of appropriately worded conditions, such that the proposal would be in keeping with the character and appearance of the area.
8. Consequently, I conclude that the proposal would not harm the character and appearance of the area. It would accord with Policies LP07, LP09, LP18 and LP19 of the LP. Amongst other things, these policies seek to ensure that development is of a high standard of design in terms of layout, screening, landscaping, scale and density, ensuring minimal adverse impact on visual amenity whilst conserving and enhancing the natural environment.
9. Similarly, the proposal would accord with the National Planning Policy Framework (the Framework) where it requires rural tourism and leisure developments to protect and enhance valued landscapes and recognise the intrinsic character and beauty of the countryside.
10. The Council has also referred to LP Policies LP06 and LP20. However, I do not find that these are relevant to the case before me as they relate to climate change and historic environments respectively. Similarly, paragraph 185 of the Framework is not relevant as it relates to coastal change.

Natural environment and environmental qualities

11. In addition to the appeal sites intrinsic natural environment and environmental qualities as described above, the site is well connected to a county wildlife site, a SSSI and other valued habitats.
12. Although the proposal would introduce development into the woodland, it would be minimal in comparison to the total site size. Whilst the proposal would affect a number of trees, either through felling or incursion into their root protection zones, felling would be expected as part of the proper maintenance and management of such a woodland. Moreover, minimal excavation techniques have been proposed, and the arboricultural impact of the final design can be assessed further, subject to an appropriately worded condition.

13. The appeal site provides habitats for many animals, including several protected species. The proposal would disrupt these habitats and increase footfall and noise across the site. However, a significant proportion of the woodland would remain unchanged with the introduction of large habitat zones, vegetation borders and a dark wildlife corridor. Further, numerous mitigation and enhancement opportunities have been proposed, which can be secured via condition, such that I am satisfied the proposal would not harm protected species. The effect of the construction phase of the proposal can also be managed via condition.
14. Dredging would not be completed as part of the proposal, nor would there be any alterations to the banks of the watercourse. Two sewage treatment plants would be used to manage foul water across the site with outfalls into the adjacent watercourse. Subject to the detailed design of these plants and the necessary environmental permits being obtained, I am satisfied that the proposal would not negatively affect the watercourse or its' ecosystem.
15. The appeal site also lies within the Norfolk Brecks, Valley Fens, North Coast, Roydon Dersingham and Wash Zones of Influence (Zol) as set out within The Norfolk Green Infrastructure and Recreational Impact Avoidance and Mitigation Strategy 2021 (GIRAMS).
16. These Zol encompass numerous SPAs, SACs and Ramsar Sites¹, with varied qualifying features which can be summarised as including a variety of designated land, aquatic, coastal and other habitats that host a rich array of flora and fauna, including protected and important flora, invertebrates, mammals and amphibians, and over-wintering, migratory, breeding rare or vulnerable birds and internationally important assemblages.
17. The conservation objectives can be summarised as to maintain or restore the integrity of the sites by maintaining or restoring the extent, distribution, structure, function and supporting processes of the qualifying natural habitats and the habitats of the qualifying features and species, the population of the qualifying features, and the distribution of the qualifying features and species within the sites.
18. The Conservation of Habitat and Species Regulations 2017 (the Regulations) require that the competent authority must ensure that there are no significant adverse effects from the proposed development, either alone or in combination with other projects, that would adversely affect the integrity of these sites. The effects arising from the proposal need to be considered in combination with other development in the area and adopting a precautionary approach.
19. The GIRAMS states that an increase in recreational pressure on these sites is predicted to be linked with planned new residential development, including holiday accommodation, across multiple local authorities. Whilst the number of additional recreational visitors associated with each individual holiday lodge may be limited, in combination across the region the volume of holiday accommodation, would have significant effects on the designated sites.
20. The appeal site is within Zol where planned new residential development is likely to result in significant recreational pressure, which would have a likely significant effect on the interest features of the aforementioned sites. Therefore, I consider

¹ Breckland SPA, Breckland SAC, Norfolk Valley Fens SAC, North Norfolk Coast SPA, North Norfolk Coast SAC, North Norfolk Coast Ramsar, Roydon Common and Dersingham Bog SAC, Roydon Common Ramsar, Dersingham Bog Ramsar, The Wash SPA, The Wash and North Norfolk Coast SAC and The Wash Ramsar.

that the development would be likely to have an adverse effect on the integrity of the sites.

21. The GIRAMS sets out a strategic approach to mitigation by several councils across the wider area. It details mitigation measures that would be funded by financial contributions at a specified tariff per dwelling. Since these include a range of habitat-based measures such as education, communication, and monitoring, and have been endorsed by Natural England, I am satisfied that the measures would adequately mitigate any adverse effects of the proposal on the identified sites.
22. The appellant has paid £10950.12 towards recreational impact avoidance and mitigation. Given the evidence before me I am satisfied that the mitigation measures have been secured and would be used for their intended purpose.
23. The contribution would be necessary to make the development acceptable in planning terms; directly related to the development; and fairly and reasonably related in scale and kind to the development, in accordance with Regulation 122 of the Community Infrastructure Levy Regulations. As such, the contributions toward the mitigation schemes would count as mitigation toward maintaining the integrity of the aforementioned sites, and I have taken account of the payment in my considerations.
24. In light of the above, I conclude that the proposal would not harm the natural environment and environmental qualities of the surrounding area. It would accord with Policies LP07, LP09, LP18 and LP19 of the LP, where they collectively require development to preserve or enhance the natural environment and enhance ecological networks and biodiversity.
25. The proposal would also accord with the Framework, where it seeks to ensure that development protects and enhances sites of biodiversity value and recognises the wider benefits from natural capital and ecosystem services.

Other Matters

26. Interested parties have raised concerns regarding the loss of a community asset, however I have no substantiated evidence before me to suggest that any public rights of way exist across the site and as concluded above, whilst access would be restricted, the natural environment would continue to be enjoyed. Moreover, the proposal would not set a future precedent as each application must be considered on its own merits.
27. The appeal site lies within an archaeological rich area; however, a condition can be used to ensure archaeological works take place in accordance with an agreed scheme. Swales will be provided to hold and gradually release surface water, such that there would be no increase in flood risk across the site, or elsewhere.
28. I note concerns regarding the amount of holiday accommodation within the local area, however I have no information before me indicating an upper limit to this type of development within the area. I have no reason to believe suitable services such as electricity and water cannot be delivered to the lodges.
29. Whilst the proposal would increase the number of cars on Common Road, it would be a nominal increase such that it would not detrimentally affect highway safety. Sufficient parking would be provided on site for the users of the site. Whilst the proposal would introduce development adjacent to the existing café, I have no

substantiated evidence to suggest that this would be detrimental to their thriving business.

30. I note comments regarding how the design of the lodges, including how they will be made portable. However, this application is for a change of use of the land and not the final lodge designs which can be secured via condition. Further, I am satisfied that even if the lodges do not appear to be caravans, there are other portable construction methods that could be utilised.

Conditions

31. I have considered the conditions put forward by the Council against the Framework and where necessary I have amended the wording in the interests of effectiveness and precision.
32. Aside from the statutory condition required to set the necessary time limit for development [1], a condition is required to indicate the approved plans to provide certainty [2]. To ensure the lodges are in keeping with the area, a detailed design code is required [3].
33. A condition is required to limit the amount of development on the site [4] and ensure the occupancy of the site [5,6].
34. A Construction Environment Management Plan is necessary to establish safety and environmental procedures as well as protect biodiversity for the work phase of the scheme [7]. A further condition is required to ensure compliance with Regulation 55 of The Conservation of Habitats and Species Regulations 2017 (as amended) with regards to badgers [8].
35. A Landscape and Ecology Management Plan and Ecological Design Strategy are required to ensure appropriate ecological enhancements are made and maintained [9]. To ensure biodiversity is protected after occupation of the site an informational scheme shall be provided about the environmental sensitivities of the site [10].
36. A condition is required to ensure compliance with the submitted arboriculture report and drainage strategies [11,12] which include best practice, recommendations and mitigation measures. Additional details of the drainage systems are required to ensure their effect on the existing trees is acceptable [13]. A landscaping condition is necessary to ensure that the site adequately assimilates into the area and that the landscaping scheme is adequately maintained [14,15].
37. To ensure satisfactory access is available from first use of the site and into the future, a condition is required to secure upgrades to the access and parking provision [16,17].
38. To ensure the safety of the workers, future users of the land and neighbouring land a contamination watching brief is necessary [18].
39. As the appeal site lies within an archaeological rich area, it is necessary that a written scheme of investigation is in place to deal with any archaeological finds that might arise as a result of the works on site [19,20].

Conclusion

40. For the reasons given above, I conclude that the proposal would accord with the development plan as a whole and the Framework, and therefore the appeal is allowed.

K Allen

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 the following drawings:
 - P2102-SP Rev C – Location Plan
 - P2102-SP02 Rev L – Proposed Site Plan
- 3) Notwithstanding the details submitted in support of this application, no works above slab level shall occur on any holiday lodge shown on dwg No. P2102-SP02 Rev L until a detailed design code has been submitted to and approved in writing by the Local Planning Authority. The design code should include:
 - Details of the proposed material palettes to be used for each holiday lodge
 - Details of fenestration
 - Details of proposed plot boundary treatments, to accord with Page 4 of the Preliminary Ecological Appraisal by Greenlight Ecology dated 23 April 2021.
 - Details of any external decking/hard surfacing materials and how these will be designed around existing trees
 - Details of how each holiday lodge will meet the definition of a caravan provided by the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968 (As amended) and how PassivHaus standards will be incorporated into each design.
 - Detailed design of the Health Centre, Wild Swimming Centre and Reception Buildings

The development shall be carried out and each lodge shall be sited on the land in accordance with the agreed design code and retained as such thereafter.
- 4) No more than 36 holiday lodges should be positioned on the site outlined in red on dwg No. P2102-Sp Rev C at any one time. Each holiday lodge shall be positioned within its associated plot as indicated on the approved plan, dwg No. P2102-SP02 Rev L only and in full accordance with the design code which is to be agreed under Condition 3.
- 5) The holiday lodges shown on dwg No. P2102-SP02 Rev L hereby approved shall be used for short stay accommodation (no more than 28 days per single let) only and shall at no time be occupied as a person's sole or main place of residence. The owners shall maintain an up-to-date register of lettings/occupation and shall make the register available at all reasonable times to the Local Planning Authority.
- 6) Plots 9 & 10, as shown on dwg No. P2102-SP02 Rev L shall only be utilised for communal purposes as a health centre and open water swimming centre and shall at no time be used for residential purposes.
- 7) No development (including demolition, ground works, vegetation clearance) shall take place until a Construction Environment Management Plan (CEMP) has been submitted to and approved in writing by the local planning authority. The CEMP shall include the following:
 - Risk assessment of potentially damaging construction activities;

- Identification of `biodiversity protection zones`.
- Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction ;
- The location and timing of sensitive works to avoid harm to biodiversity features;
- The times during construction when specialist ecologists need to be present on site to oversee works;
- Responsible persons and lines of communications;
- The roles and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person;
- Use of protective fences, exclusion barriers and warning signs, in particular around all habitat zones and no works zones; for the duration of works
- Details of proposed lighting strategy for the construction phase of the development

The approved CEMP shall be adhered to and implemented through the construction phases strictly in accordance with the approved details.

- 8) No works that impact badger setts shall in any circumstance commence unless the Local Planning Authority has been provided with either:
- a) a licence issued by Natural England pursuant to Regulation 55 of The Conservation of Habitats and Species Regulations 2017 (as amended) authorizing the specified activity/development to go ahead; or;
 - b) statement in writing from the relevant licensing body to the effect that it does not consider that the specified activity/development will require a licence.
- 9) No development (including demolition, ground works, vegetation clearance) shall take place until a Landscape and Ecology Management Plan and Ecological Design Strategy document has been submitted and approved by the Local Planning Authority. The document should include the following:
- Details of any habitat proposed to be created, enhanced or protected, in line with the submitted Ecological Surveys, in order to provide measurable biodiversity gains.
 - How the aforementioned habitats will be managed, maintained, and monitored for the lifetime of the development.
 - Details of barriers to be constructed around the lowland acid grassland no-works zone in order to prevent recreational use.
 - No non-native species shall be used in any planting on site.
 - Details of proposed lighting strategy for the lifetime of the development
- The agreed details shall be completed as approved prior to the first occupation of any plot and retained and maintained as such thereafter.
- 10) Prior to the first use of the development hereby permitted, full details of a scheme providing information regarding the importance of the environmental sensitivities of the site and surroundings shall be submitted to and approved in writing by the

Local Planning Authority. The scheme shall include provision of a leaflet to all site guests regarding:

- The correct disposal of litter
- Due regard to breeding birds
- Prohibition of entering fenced off areas
- Information on the local wildlife and how to minimize disturbance
- Restrictions on off-lead dog walking on site, due to potential conflicts with local species
- information on water quality impacts from open water swimming

The details should also include provision of permanent signage in suitable locations on site to inform visitors of the requirements.

- 11) The development shall be carried out in accordance with the recommendations and mitigation measures contained within the Arboricultural Report, written by BH Trees and Woodland dated 13th May 2024 and the associated drawings.
- 12) The development shall be carried out in accordance with the Drainage Strategy contained within the following documents:
 - Surface Water Drainage Statement BLI.2022.10 Rev: 02, written by BLI Consulting Engineers Ltd, dated 25 October 2023
 - Flood Risk Assessment for Recreational Development ECL0553, written by Ellingham Consulting Ltd, dated August 2021
 - Surface & Foul Water Drainage Statement Addendum BLI.2022.10 Rev: 02 - Addendum, written by BLI Consulting Engineers Ltd, dated: May 2024
 - Surface Water Drainage Layout / Strategy (Sheets 1 to 3) Drawing No. PL 06 Rev: P3, drawn by BLI Consulting Engineers Ltd, dated: 27 May 2024

The approved scheme shall be implemented prior to the first use of the development.

- 13) Notwithstanding the detail provided with the Arboricultural Report and Method statement submitted in support of this application, prior to the commencement of works, full details of the proposed position of service runs on each plot as well as below the access track hereby approved shall be submitted to and approved in writing by the LPA.

The details shall include routes of the service runs to avoid any root protection areas wherever possible and where necessary, which alternative techniques will be put in place to place services without damage to retained trees. The detailed plans should be produced in conjunction with an arboriculturist and include allowance for the space needed for the installations, as well as details of levels. The information should be plot specific and identify the individual trees likely to be impacted by the proposed development.

The development shall be completed wholly in accordance with the details agreed.

- 14) Prior to the first use of the development hereby permitted, full details of both hard and soft landscape works shall have been submitted to and approved in writing by the Local Planning Authority. These details shall include hard surface materials,

refuse or other storage units, street furniture, structures and other minor artefacts including cycle parking, bin storage and EV charging points.

- 15) All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation or use of any part of the development or in accordance with a programme to be agreed in writing with the Local Planning Authority. Any trees or plants that within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species as those originally planted.
- 16) Prior to the first use of the development hereby permitted the 'Pentney Woods (to be emergency use only) vehicular access' indicated for improvement on Drawing No. P2102-SP02 Rev L shall be upgraded, widened and gated in accordance with the Norfolk County Council Field Access construction specification for the first 5m metres as measured back from the near channel edge of the adjacent carriageway and in accordance with details to be agreed in writing by the Local Planning Authority. The upgraded access shall only be used in the case of emergencies.
- 17) Prior to the first use of the development hereby permitted the proposed access/on-site car parking areas shall be laid out, demarcated, levelled, surfaced and drained in accordance with the approved plan and retained thereafter available for that specific use.
- 18) Any contamination that is found during the course of construction of the approved development that was not previously identified shall be reported immediately to the local planning authority. Development on the part of the site affected shall be suspended and a risk assessment carried out and submitted to and approved in writing by the local planning authority. Where unacceptable risks are found remediation and verification schemes shall be submitted to and approved in writing by the local planning authority. These approved schemes shall be carried out before the development is resumed or continued.
- 19) No development (including demolition, ground works, vegetation clearance) shall take place until a Written Scheme of Investigation has been submitted to and approved in writing by the local planning authority. The scheme shall include an assessment of significance and research questions – and:
 - i) the programme and methodology of site investigation and recording;
 - ii) the programme for post investigation assessment;
 - iii) the provision to be made for analysis of the site investigation and recording;
 - iv) the provision to be made for publication and dissemination of the analysis and records of the site investigation;
 - v) the provision to be made for archive deposition of the analysis and records of the site investigation;
 - vi) the nomination of a competent person or persons/organization to undertake the works set out within the Written Scheme of Investigation.

The development shall take place in accordance with the Written Scheme of Investigation.

- 20) Prior to the first use of the development hereby permitted the investigation and post investigation assessment shall be completed in accordance with the programme set out in the archaeological Written Scheme of Investigation and the provision to

be made for analysis, publication and dissemination of results and archive deposition has been secured. In this instance the programme of archaeological mitigatory work will comprise the monitoring of groundworks for the development under archaeological supervision and control.

*****End of Conditions*****