



ENVIRONMENT AND PLANNING

King's Court, Chapel Street, King's Lynn, Norfolk PE30 1EX

Tel: (01553) 616200

Fax: (01553) 616652

DX: 57825 KING'S LYNN

e-mail: borough.planning@west-norfolk.gov.uk

NOTICE OF DECISION - REFUSAL OF PLANNING PERMISSION

Historical Railways Estate
c/o Jacobs UK Ltd
Mr Ashley Stratford
Number One Building
5 First Street
Manchester
M15 4GU

Reference No: 23/00894/F
Application
Registered: 28 April 2023
Parish: Congham

Details: **Retrospective structural infilling of former railway bridge using engineering fill and foam concrete with embankments formed on either side at Congham Bridge Midland & Great Northern Joint Railway Dismantled St Andrews Lane Congham Norfolk**

The Town and Country Planning Act 1990 (as amended)

The Town and Country Planning (Development Management Procedure) (England) Order 2015)

Permission is refused for the carrying out of the development referred to above for the following reasons:

1. The infilling of the bridge arch means the line of the railway is unable to be experienced through the bridge, resulting in a loss of legibility and a loss of evidential and historic significance. The bridge is now obscured, severing the visual link and ability to appreciate the historic context of the locality and the structure itself. This results in less than substantial harm, moderate in scale to the non-designated heritage asset and the development is contrary to paragraph 130, 189 and 203 of the NPPF. Alongside this, the development does not protect the countryside for its intrinsic beauty and the diversity of its heritage, does not preserve, protect or enhance the historic environment and is not sensitive to the historic context of the surrounding area. As such, the development is also contrary to Policies CS06, CS08 and CS12 of the Core Strategy 2011 and Policy DM15 of the Site Allocations and Development Management Policies Plan 2016.

A handwritten signature in blue ink, appearing to read 'G. Small'.

Executive Director, Environment and Planning
On behalf of the Council
3 October 2023

Notes

In accordance with the NPPF, in determining this application for planning permission, the Borough Council has approached it in a positive and proactive way, and where possible has sought solutions to problems to achieve the aim of approving sustainable development. Unfortunately, despite this, in this particular case the development is not considered to represent sustainable development, and has been refused for the reasons set out above.

The case officer who dealt with this application was Connor Smalls, telephone number 01553 616230.

TOWN AND COUNTRY PLANNING ACT 1990

Appeals to the Secretary of State

- If you are aggrieved by the decision of your local planning authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990.

Appeals Subject to an Enforcement Notice

- If this is a decision on a planning application relating to the same or substantially the same land and development as is already the subject of an enforcement notice, if you want to appeal against your local planning authority's decision on your application, then you must do so within 28 days of the date of this notice.
- If an enforcement notice is served relating to the same or substantially the same land and development as in your application and if you want to appeal against your local planning authority's decision on your application, then you must do so within:
28 days of the date of service of the enforcement notice, or within 6 months [12 weeks in the case of a householder appeal] of the date of this notice, whichever period expires earlier.

Other Types of Appeal

- If this is a decision to refuse planning permission for a householder application, if you want to appeal against your local planning authority's decision then you must do so within 12 weeks of the date of this notice.
- If this is a decision to refuse planning permission for a minor commercial application and you want to appeal against your local planning authority's decision then you must do so within 12 weeks of the date of this notice.
- If this is a decision to refuse express consent for the display of an advertisement, if you want to appeal against your local planning authority's decision then you must do so within 8 weeks of the date of receipt of this notice.
- If you want to appeal against your local planning authority's decision on any other type of application you must do so within 6 months of the date of this notice.

How to Make an Appeal

- Appeals can be made online at: <https://www.gov.uk/appeal-householder-planning-decision> or <https://www.gov.uk/appeal-householder-planning-decision>.
If you are unable to access the online appeal form, please contact the Planning Inspectorate to obtain a paper copy of the appeal form on tel: 0303 444 5000.
- The Secretary of State can allow a longer period for giving notice of an appeal but will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.
- The Secretary of State need not consider an appeal if it seems to the Secretary of State that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.

If you intend to submit an appeal that you would like examined by inquiry then you must notify the Local Planning Authority and Planning Inspectorate (inquiryappeals@planninginspectorate.gov.uk) at least **10 days before submitting the appeal**. [Further details are on GOV.UK](#)