



Appeal Decision

Site visit made on 17 September 2019

by Jonathan Price BA(Hons) DMS DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 8 October 2019

Appeal Ref: APP/K2610/W/19/3221976

Land off Barn Piece Close, Norwich Road, Salhouse, Norwich NR13 6QF

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Henry Greville Cator, Sara Elizabeth Cator and The Honourable Aubrey James Francis Buxton against the decision of Broadland District Council.
 - The application Ref 20180360, dated 5 March 2018, was refused by notice dated 22 October 2018.
 - The development proposed is mixed dwelling residential development of 20 single storey properties.
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Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by Henry Greville Cator, Sara Elizabeth Cator and The Honourable Aubrey James Francis Buxton against Broadland District Council. This application is the subject of a separate Decision.

Procedural Matters

3. The application was made in outline with details provided of access, layout and scale and those of appearance and landscaping reserved for later submission. I have dealt with the appeal on this basis.
4. An amended layout was submitted with the appeal. This sought to minimise any overshadowing of the nearest proposed dwellings from two of the three mature oak trees along the western boundary of the site, that are protected by a Tree Preservation Order, and to avoid encroachment within their root protection areas. I am satisfied on this basis that the proposal poses no threat to the mature oak trees. I have applied the Wheatcroft principles and do not consider my acceptance of this amended layout would prejudice the interests of any other parties. Therefore, my decision is based on this amended plan (reference 3092.0616.B Revision F) and the description of the development in the above heading reflects the changes having reduced the number of dwellings from 22 to 20.
5. A planning obligation is provided with the appeal providing for 28% affordable housing in line with the most recent evidence of need contained in the Central Norfolk Strategic Housing Market Assessment of 2017 (SHMA). This is a material consideration to which I return to later in this decision.

Main Issue

6. The main issue is the effect of the proposal on the character and appearance of the area, including whether this would preserve the setting of the Salhouse Conservation Area (CA) and the grade II listed Salhouse Hall.

Policy Framework

7. The development plan comprises the Joint Core Strategy¹ (JCS), the Development Management² (DM) and Site Allocations³ (SA) development plan documents and the Salhouse Neighbourhood Plan⁴ (NP). The most recently revised National Planning Policy Framework of February 2019 (the Framework) is also an important material consideration and reconfirms the main purpose of the planning system as contributing to the achievement of sustainable development.
8. JCS Policy 1 sets out strategic aims to protect the environment and help secure sustainable development. DM Policy GC1 applies a presumption in favour of sustainable development similar to that in paragraph 11 of the Framework. JCS Policy 2 promotes good design in development, including this having regard to landscape character and the setting of settlements.
9. Salhouse is identified as a Service Village in JCS Policy 15 and falls within the Norwich Policy Area, where JCS Policy 9 provides a strategy for growth supported by smaller sites within Broadland District. As a Service Village Salhouse is deemed capable of accommodating small-scale growth within the range of 10 to 20 dwellings, subject to form and character considerations. This reflects the village services present, which include a primary school, two public houses, a church, shop, café, village hall and sports ground.
10. DM Policy GC2 accommodates new development within settlement limits but, outside of these, is only permissive of development that accords with a specific allocation and/or policy and which does not result in any significant adverse impact, and this is echoed by NP Policy H1. DM Policy GC4 seeks a high standard of design avoiding significant detrimental impact in regard to the environment, character and appearance of an area. DM Policy EN2 addresses the protection of landscape character, taking into account impacts on gaps between settlements, conservation areas, historic parks and gardens and green spaces. NP policies OE1 and OE2 embrace objectives comparable to DM Policy EN2.
11. The SA provides a policy map which defines a settlement limit around the built-up parts of Salhouse, indicating where development may take place when considered under the JCS and DM policies. The appeal site lies adjacent to and outside this settlement boundary and the dwellings are proposed just to the rear of the recently completed residential development at Barn Piece Close which was allocated for housing in the SA. As the appeal site lies outside of the settlement boundary and is neither allocated for development or supported by any specific policy, the proposal would therefore conflict with DM policy GC2 and NP Policy H1 in this regard.

¹ Greater Norwich Development Partnership – Joint Core Strategy for Broadland, Norwich and South Norfolk – adopted March 2011, amendments adopted January 2014.

² Broadland District Council – Development Management DPD adopted August 2015

³ Broadland District Council – Site Allocations DPD adopted July 2016

⁴ Salhouse Neighbourhood Plan August 2017.

Reasons

12. The proposal would be of a similar form and density to that in Barn Piece Close and appellant refers to this as an intended second phase. However, the existing estate road does not link directly to the grassy field where the new dwellings are proposed. The head of the cul-de-sac is directed towards the arable field beyond Hall Piece Close and so, to serve the houses, the access has to loop into this farmland thereby extending the development into open countryside. To mitigate the visual impact of this, the access loop would be contained within a larger section of open space between Norwich Road and Hall Drive. This area would be landscaped to screen the proposed development and include a footpath to the existing village amenities via Hall Drive to the north.
13. The revised layout preserves most of the boundary hedge and places the dwellings and road further apart from the existing mature oak trees. The existing development along Hall Drive and Mill Road enclose the other two sides of the appeal site. The scheme would extend a denser, more suburban form of housing up to the boundary with the more loosely-knit development along Hall Drive and which forms the edge of the CA.
14. There would be harm in the rather contrived access arrangement extending the limit of development beyond the firm edge of the built-up village that is provided by Barn Piece Close. The mature oaks situated along the boundary are currently isolated and prominent features along the field boundary defining the settlement limit. Although the access loop would involve the loss of only a small section of hedge, and the revised layout better secures the future of the mature oak trees, the necessity for a screening section of planting would be somewhat out of keeping in this presently open area of countryside.
15. Although I accept the planting intended for this area might eventually mature to resemble a rectangular block of tree planting, similar to other wood lots in the wider landscape, this does not avoid a degree of incongruity in what is proposed. It is accepted that there would be nothing to prevent woodland alone being planted within this section of the arable field. However, my conclusions are based on this planting forming part of the residential development proposed. I have considered the Landscape and Visual Impact Assessment provided and the historic analysis of the landscape provided in the appeal statement. I agree the development would result in little harm in respect of eroding the present gap between the two distinct built up parts of Salhouse. However, despite the proposed planting, the scheme nevertheless involves a harmful encroachment of development into the open landscape beyond a clearly-defined settlement limit identified in the adopted development plan.
16. Although the development would be enclosed on three sides by existing development, that to the north in Hall Drive is of a comparatively sporadic nature, where older buildings, a pond and verdant gaps provide a strongly rural character to that part of the village. This section of more traditional development in Hall Drive, along with the grounds to the listed Salhouse Hall beyond, fall within the CA. The setting of a heritage asset is defined in the Framework as the surroundings in which it is experienced. The encroachment of a denser, more suburban form of development would detract from the more rural and historic character of this part of the village, harming the setting of the CA and that of the listed Salhouse Hall. There are statutory duties⁵ for me to

⁵ Sections 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

have special regard to the desirability of preserving the setting of Salhouse Hall and of preserving or enhancing the character or appearance of the CA. Whilst harm in these respects would be less than substantial, considerable importance and weight must be given to the desirability of preserving the setting of these heritage assets. Applying the tests in paragraph 196 of the Framework, the public benefits of the housing proposed, deriving mainly from the public open space and interconnecting footpaths, would not outweigh the harm identified.

17. On this issue I conclude that the proposal would have a significant adverse impact on the present rural character and appearance of the village, including by failing to preserve the setting of the CA and the grade II listed Salhouse Hall. The residential development proposed would for these reasons conflict with JCS Policy 2, DM Policy GC4 and NP policies OE1 and OE2 in respect of the effects of developments on the character and appearance of the area.

Planning Balance and Conclusion

18. I have found conflict with the development plan regarding the impact upon character and appearance and that, in the absence of accordance with any other policy or site allocation, the location of the proposal conflicts with DM Policy GC2 and NP Policy H1. On the basis of DM Policy GC1, it follows that I must consider whether the proposed housing would gain the support of the presumption in favour of sustainable development contained in paragraph 11 of the Framework.
19. There are policies relevant to this proposal and so it is necessary to consider if those most important for determining the appeal are out-of-date. The settlement policies which direct a limited amount of new housing to within the settlement boundary in Salhouse, relative to the range of village services provided, seem to broadly accord with the Framework objectives for sustainable development. However, were this to be in the context of the local planning authority being unable to demonstrate a five year supply of deliverable housing sites, the policies relevant to this proposal might for this reason be deemed as out-of-date by virtue of footnote 7 of Framework paragraph 11 d).
20. Since the appeal was made the JCS has become more than five years old. Based on paragraph 73 of the Framework, the Council has subsequently updated a housing supply estimate⁶ against a calculation of its local housing need rather than the requirements set out in strategic policies. The appellant has contested the Council's position that more than a five year housing land supply can now be shown.
21. However, in this case, my decision does not depend on establishing the veracity of the Council's housing land supply position. I have already concluded that the proposal would fail to preserve the setting of the CA and the grade II listed Salhouse Hall. Therefore, the application of Framework policies that protect assets of particular importance provide a clear reason for refusing the development proposed. Irrespective of whether the Council's policies were out-of-date in regard to housing land supply, the so-called 'tilted balance' of the Framework is not engaged. Therefore, it is not necessary for me to determine whether any adverse impacts of allowing this proposal would significantly and

⁶ Interim Greater Norwich Area Housing Land Supply Assessment at 1st April 2018

demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.

22. Planning law requires that the appeal be determined in accordance with the development plan⁷, unless material considerations indicate otherwise. The Framework is a material consideration in planning decisions. In this regard the scheme would provide benefits by helping to boost housing supply and through the planning obligation ensuring the six units of affordable housing required under the SHMA. The scheme would be of a scale and nature whereby it would offer the benefit of a relatively quick build-out, providing economic benefits to the locality through both the construction and the additional household expenditure supporting local services. The scheme offers the benefit of additional public open space, as well as a footpath access from Barn Piece Close through to Hall Drive and to the village services.
23. These various benefits all gain support through the Framework. However, collectively these would not comprise the material circumstances to indicate my decision should be made other than in accordance with the development plan with which, taken as a whole, this proposal on balance conflicts. Therefore, for the reasons given and having taken into account all other matters raised, I conclude that the appeal should be dismissed.

Jonathan Price

INSPECTOR

⁷ Section 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990.