
Appeal Decision

Hearing held on 13 July 2016

Site visit made on 14 July 2016

by Keith Manning BSc (Hons) BTP MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 27 September 2016

Appeal Ref: APP/K2610/W/16/3145283

Land at Lodge Road, Lingwood, Norwich, Norfolk

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Brineflow Properties & Handling Ltd against the decision of Broadland District Council.
 - The application Ref 20150754, dated 11 May 2015, was refused by notice dated 26 August 2015.
 - The development proposed is Live Work Development with standalone B1 office space.
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Decision

1. The appeal is allowed and planning permission is granted for Live Work Development with standalone B1 office space at Land at Lodge Road, Lingwood, Norwich, Norfolk in accordance with the terms of the application, Ref 20150754, dated 11 May 2015, subject to the conditions set out in the Annex hereto.

Application for costs

2. At the Hearing an application for costs was made by Brineflow Properties & Handling Ltd against Broadland District Council. This application is the subject of a separate Decision.

Preliminary and Procedural Matters

3. For practical reasons my site visit took place the day after the hearing. The parties confirmed they were content that I should visit the site unaccompanied.
4. A Statement of Common Ground (SoCG) was signed as agreed by the parties on 17 May 2016. Amongst other things, this confirms that the Council no longer intends to pursue the reasons for refusal concerning highway safety and archaeology; the former as a consequence of reconsideration of the relevant evidence by the highway authority (Norfolk County Council) and the local planning authority, neither of whom sustain their original objections, and the latter as a consequence of concluding that archaeological matters may properly be addressed by means of a planning condition.

Main Issues

5. From the submissions and the evidence presented at the hearing and my preliminary and formal visits to the site and the surrounding area, I consider the main issues to be as follows:-
- The effect of the proposed development on the character and appearance of the area, having regard to the development plan and other relevant policy, and with particular reference to the landscape setting of Lingwood;
 - Whether accommodating the need or demand for the proposed development at this location accords with the development plan and other relevant policy;
 - Whether this may be considered an accessible location for the purposes of the development plan and other relevant policy; and
 - If there is a conflict with the development plan or other relevant policy in respect of any of these issues, are there material considerations sufficient to outweigh that conflict.

Reasons

General background to the site and the proposals

6. Lingwood is a relatively large village with a railway station which has expanded significantly in the twentieth century through the development of various housing estates, overwhelmingly to the south of School Road and to the west of Station Road. It is situated approximately one kilometre south of the A47, the main road between Norwich and Great Yarmouth and is a little under twenty kilometres from the centre of both major settlements, i.e. broadly equidistant between them. It is one of a fairly dense pattern of villages historically serving the agricultural area on the higher ground between the valleys of the rivers Yare and Bure and the Broads inland of Great Yarmouth.
7. Although much of the village is west of Station Road it does continue eastwards along Lodge Road past housing on Elm Road/Elm Close and in the vicinity of Oak Tree Close before terminating east of the site at a group of individual dwellings in grounds around the junction of Lodge Road, Acle Road and South Burlingham Road and commercial premises of a light industrial nature on the latter. The appeal site essentially occupies the open break between this outlying area of development and the housing adjacent to Oak Tree Close, a short distance north of the railway. A public footpath runs south from Lodge Road behind houses on Elm Road and Elm Close veering away to the south east to cross the railway before turning eastwards to join South Burlingham Road. The historic St Edmund's Church is on this rural lane a short distance to the south.
8. North of the village, the three obvious vehicular routes to the A47 are; via School Road/Church Road/Lodge Road to the west and north, via Lingwood Lane more or less directly to the north and via Acle Road/Cox Hill Road (the latter is classified as the B1140) to the east and north. There is a network of lanes connecting Lingwood to nearby villages to the west south and east, but beyond the Valley of the River Yare the associated marshes are a clear physical impediment to movement. The A47 is therefore the principal road connection

with the wider world and the railway connects the village to both Norwich and Great Yarmouth, amongst other destinations onward from the former.

9. The proposed development would fill the open break on Lodge Road between the housing associated with Oak Tree Close and the outlying area of development to the east, although the buildings would be set back from the road with sufficient space for a substantial pond in front of the two linked buildings proposed to the east of the access road to accommodate the B1 office space. Behind the office buildings a parking area for in excess of 50 cars is proposed and to the south east of that a distinct projection of the site would accommodate an attenuation basin for surface water drainage. These elements of the proposal share a long common boundary with the smallholding to the east known as 'Little Orchard' (shown on the base map by its former name of 'Well Done'.)
10. The western part of the site would accommodate 3 live work units on the north side of the sinuous access road and a further 4 to the south and east of it. This western element of the proposal would share a common boundary with the group of residential properties east of Oak Tree Close containing the properties known as 'Kingfishers', 'Sunnyside', 'Litchmer', 'The Bungalow' and 'Eastview'. Land between the proposed development and the railway to the south would remain open, with agricultural access proposed from the head of the new access road. The live work units would occupy L-shaped footprints containing residential, office and workshop elements in varying and flexible configuration internally, with more parking provision than would be the norm for purely residential properties.
11. Externally, both the linked office buildings and the live work units would conform to a single design theme involving wooden cladding and innovative fenestration and the overall density of the proposed development would allow for relatively generous landscaping. It is proposed to extend the pedestrian footway within highway land from the existing footway at Elm Road along Lodge Road to the site entrance.

Relevant policy

12. The SoCG identifies a range of policies of potential relevance in the development plan and the National Planning Policy Framework ('the Framework') and also cites the Council's Landscape Character Assessment SPD, which places the site and the settlement of Lingwood on the northern edge of Landscape Character Area C2, the 'Freethorpe Plateau Farmland'. (The countryside north of Lodge Road lies within LCA D4, the Blofield Tributary Farmland'.)
13. The development plan comprises the Joint Core Strategy ('the JCS') for Broadland, Norwich and South Norfolk 2011 (incorporating amendments adopted in 2014), The Development Management Development Plan Document ('the DM DPD') adopted in 2015 and the Site Allocations Development Plan Document ('the SA DPD') recently adopted in May 2016. The latter does not allocate the site for any form of development and places it outside the defined settlement limit.
14. The most relevant policies of the development plan for the purposes of this appeal were agreed by the parties at the hearing and, bearing in mind the main issues I have identified, I have no reason to disagree other than to add that

aspects of Policy 1 of the JCS and Policy TS3 of the DM DPD are of clear relevance also in the context of those issues. The gist of these policies is indicated below.

15. Objective 3 of the JCS is to promote economic growth and diversity and provide a wide range of jobs, an aspiration reflected in its Policy 5, which aims to develop the local economy sustainably to support jobs and economic growth in both urban and rural areas. Policy 1 addresses climate change and aims to protect environmental assets. Policy 2 aims to achieve good design in context. Lingwood is identified as a 'service village' for the purposes of Policy 15 which states, amongst other things, that..... *"small-scale employment or service development appropriate to the scale of the village and its immediate surroundings will be encouraged"*.
16. Policy GC1 of the DM DPD concerns the presumption in favour of sustainable development articulated by the Framework and accords with its approach. Policy GC2 concerns the location of new development and is as follows: *"New development will be accommodated within the settlement limits defined on the policies map. Outside of these limits development which does not result in any significant adverse impact will be permitted where it accords with a specific allocation and/or policy of the development plan."* Policy GC4 promotes a high standard of design and, amongst other things, gives particular encouragement to schemes of an innovative nature. It lists a number of considerations to which adequate regard should be paid. Policy EN2 requires development proposals to have regard to the landscape Character Assessment SPD and requires consideration as appropriate of the impact upon, the protection and enhancement of, amongst other things, gaps between settlements. Policy TS3 concerns highway safety and states that... *"Development will not be permitted where it would result in any significant adverse impact upon the satisfactory function or safety of the highway network."*

17. The policies set out in the Framework are also a material consideration.

Effect on character and appearance of the area

18. The officer's report on the application subject to this appeal (which, overall, recommended approval) notes the high quality of design that has been achieved as far as the buildings and their layout are concerned.
19. The Council, on the other hand, is concerned that the buildings would be unduly austere and bulky and that as a group they would unacceptably harm the open rural character of the area and the landscape setting of Lingwood and that they would erode the gap that exists between the village of Lingwood and the hamlet of South Burlingham.
20. It is of course an inevitable consequence of substantial built development on greenfield rural land that the original rurality of the site and its immediate surroundings is permanently changed and in many cases completely lost, albeit in this case the design and layout of the buildings would mitigate to some extent the impact along the site's frontage to Lodge Road. Bearing in mind that the site occupies a defined space north of the railway between the body of the village and an outlying group of buildings of mixed character, including the industrial premises on South Burlingham Road, I do not consider that the loss of the site to development would, in principle, be unacceptably harmful from an aesthetic standpoint, provided that sensitive design, as proposed in this case,

were to be deployed so as to minimise the impression of an inappropriately urban environment. The sense of harmful encroachment on the broader countryside beyond the village would be limited by the circumstances of the site's immediate surroundings, notwithstanding that it forms part of the countryside beyond the settlement limit as defined for the purposes of the development plan.

21. Appreciating the impact of the proposal on the landscape of that broader area requires some diligence in walking the relevant routes and observing the site from various viewpoints (including those identified by the parties), an activity which occupied the bulk of my time around the site and the surrounding area. This is because the form of the land, the hedgerows, woodland, buildings and other features which combine with it to form the essentials of the landscape as perceived militate against an obvious impact in the wider scene. The site is relatively contained, but the Council has specific concerns nonetheless.
22. Although it has no specific recognition in policy terms, there is, as a matter of fact, a rural gap between Lingwood and South Burlingham and DM DPD policy EN2 in general terms requires consideration of and where appropriate protection and enhancement of such gaps between settlements. However, in this case, the rural gap in question is not especially well defined or clearly evident as such in the landscape. The nearest element of South Burlingham to Lingwood that the Council identified is the historic church of St Edmunds. This charming rural church set in a graveyard, which I visited as part of my assessment, stands at some distance from South Burlingham itself, alongside Church Farm and is not, in purely physical terms, integral to that settlement, being freestanding with the adjacent farmstead in the rural landscape.
23. Moreover, owing to distance, topography and intervening vegetation it is very doubtful whether the proposed development would actually be visible from this location, certainly in the summer months and, if it were to be perceived at all, it would be in the context of existing development associated with Lodge Road and its immediate surrounds north of the railway. The impact on the environment of St Edmunds would be negligible owing to the very limited intervisibility between the site and the vicinity of the church and properties on the east side of South Burlingham Road associated with Church Farm. The Council takes no issue with the potential impact of the development on the significance of the church as a heritage asset through alteration to its setting and, having visited the church, the site and the surrounding area I have no reason to question that.
24. West of South Burlingham Road, land essential to the physical maintenance of the rural gap between the settlements in my view lies entirely to the south of the railway line, whereas the site is to the north and in my assessment the gap, to the extent that it does form a discernible feature of the landscape, would not be significantly compromised.
25. Nearer in to the site there is a pleasant circular walk which takes in the site frontage, South Burlingham Road where it passes under the railway and the footpath which joins this to Lodge Road, crossing the railway and passing properties on the east side of Elm Road en route. With the obvious exception of the site frontage the development would not be readily discernible from much of this route, the notable exception being the vicinity of the appellant's Viewpoints 3 and 4, especially the former. From the footpath here the

development would be visible, owing to the railway being broadly on the level with the surrounding land and relatively free of screening vegetation. However, the existing industrial premises on South Burlingham Road are a feature in the rural landscape here and it could not therefore be regarded as pristine and uninterrupted. The proposed tree planting, albeit limited on the southern boundary of the site, would over time filter views to some degree.

26. It is also possible to view the site across open countryside from the north, notably from Lingwood Lane; although the existence of isolated properties with screening boundaries tends to limit views, as do the hedgerows and trees. Further north in the vicinity of the A47 the distance and intervention of such landscape features is effective in minimising visibility but in any event the development would be perceived as part of the northern fringe of the settlement of Lingwood.
27. All in all, the proposed development would be relatively well concealed and contained by the host landscape from most viewpoints as the appellant's February 2016 Landscape Appraisal (prepared for the purposes of the appeal) effectively demonstrates. Having conducted my own assessment on the ground, I find this appraisal to be adequately thorough and fair as a means of assisting my decision.
28. Nevertheless, whilst for all the above reasons, I do not consider that the rural gap between Lingwood and South Burlingham would be sufficiently compromised to create harmful conflict with policy EN2, or that the broader landscape setting of Lingwood would be unacceptably altered, I am also conscious that the rural prospect across the site from its frontage would be radically altered by the proposed development. Even with the high quality design of the individual buildings proposed, their setback from the road and the landscaping proposed this would be an inescapable outcome. Whether or not such an alteration would be acceptable is inherently a matter of judgement and a significant factor in the ultimate planning balance.
29. The appellant, in essence, argues that the landscape immediately influenced by the village within the Freethorpe Plateau Farmland must necessarily be atypical of the broader Landscape Character Area and that the site in particular is so closely associated with the settlement by virtue of the existing development at South Burlingham Road that development of the site would represent a "natural extension" of the village linking it to the outlying area of development.
30. The Council takes the contrary view that the net result of the buildings proposed would introduce a *"hard faced line to the northeast edge of the village and will remove the loose knit pattern of development that currently exists in approaching the village from that direction"*.
31. There are elements of truth in both propositions: Certainly the outlying element of the village east of the site may either be regarded as a loose knit pattern of development or a straggling projection of built development randomly placed in the countryside beyond the main body of the village. Equally, the development of the appeal site may be seen as the introduction of substantial built development to a village fringe with predominantly rural attributes, or it may be seen in the alternative as a logical consolidation of the overall form of the village within the deeper countryside that surrounds it.

32. The Council's statement inclines to the former perspectives but I consider the approach in its statement¹ to be overly mechanistic in castigating the impression of the development that would be created, bearing in mind the care that has been taken with the design of the proposed buildings, the setback from Lodge Road to include an attractive water feature and, in the main, generous landscaping as part of the overall concept. Certainly there would be relatively bulky built form aligned parallel to the road at two storeys but I am in no doubt that over time the landscaping proposed along the frontage in depth and the retention of existing trees and elements of hedgerow would combine to soften the impact and provide an attractive setting, moreover, for buildings of an appropriate genre and quality compatible with the looser mixed pattern to the east and the more tightly knit predominantly residential pattern of development to the west.
33. Certainly the openness of the land comprising the appeal site would be lost as a feature of this part of the village fringe, removing the perceptible gap between it and the outlying area of development. That said, however, the modern, innovative buildings set back from the road in a landscaped setting would resonate with the rustic traditions of the area without attempting to replicate them or disguise the twenty-first century concepts and functionality driving their architectural characteristics. The development would not in my view be unattractive. On the contrary, the evident consolidation of the village fringe would be brought about through the addition of buildings which, although not attempting to disguise their functions, would nevertheless be a positive response to the rural context of the settlement edge, even when plainly visible.
34. For these reasons I consider that the proposal does represent good design in context consistent with the relevant aspirations of section 7 of the Framework taken as a whole. Consequently, I find no conflict with Policies 1 and 2 of the JCS insofar as these relate to design in context and no conflict with Policy GC4 of the DM DPD.
35. Overall, in respect of this main issue, I consider that whilst the appeal site would be lost to the immediate rural surrounds of the village of Lingwood as they currently exist, there would be no significant erosion of the substantial gap between it and South Burlingham and that the inevitable change to the character and appearance of the area implicit in the proposals would be limited primarily, in the public domain, to perceptions of that part of Lodge Road connecting the village with the outlying area of development around its junction with South Burlingham Road and to perceptions of the site from certain stretches of the footpath to the south. As such, the change would not in my view be unacceptable bearing in mind the good quality of design in context demonstrated by the proposals.

Need and demand in the context of relevant policy

36. The Council does not contest that, in general terms, there is an accepted need for the proposed B1 office floorspace that must be satisfied if the objects of relevant policy for the rural economy are to be achieved. More specifically, evidence of likely under delivery for practical reasons on the employment allocation in Blofield and an almost complete absence of available commercial space in the Brundall to Acle corridor has given rise to an apparent consensus,

¹ Analysis at paragraph 6.10

shared by, amongst others, the Council's Economic Development Officer, that the type of office space proposed would meet a demonstrable local need. The EDO stated in response to the application...*"The development of the site leading to new start up 'incubator' units is something that we would fully support. Due to our ongoing work with the local the local business community we are aware of the need for such units and availability is often very short so this is wholly welcomed. The flexibility offered by these units in terms of size and lease terms make these look very attractive options to new and expanding small businesses."*²

37. She went onto express scepticism, however, regarding the live work units proposed, stating, inter alia, that... *"we still have no evidence of demand for this type of facility"*.
38. Herein lies a very real difficulty as far as the application of policy to a proposal of this nature is concerned. Predictive assessments of need for mainstream property types such as housing, offices, manufacturing space and warehousing, although imperfect, are nevertheless well established for planning purposes and in most cases sufficiently fit for purpose to be useable, bearing in mind that the events of the real world rarely materialise in exact accordance with prior expectations. Innovative development of the type at issue here, in the specific form of the live work (otherwise referred to as 'atelier') units proposed, are a different proposition altogether.
39. The contrasting views of the local property agents for the Council and for the appellant are of limited assistance; and 'enquiry' records for a type of property that prospective local purchasers may well not be aware of, given their novelty, have obvious drawbacks as evidence upon which decision making, including commercial decision making, can be founded. Indeed, the appellant company, which is experienced in bringing development forward, is very open that this aspect of its proposal is largely speculative, based on its reading of how a perceived sufficiency of prospective purchasers might react to a hitherto unavailable opportunity. All speculative property development is, to varying degrees, an exercise in risk taking and risk management, albeit some speculations are safer than others, but for the most part planning must stand apart from that. It is not the role of the planning system to stifle innovation or protect developers from themselves, but rather to apply relevant policy in the public interest.
40. In this case the appellant argues with some justification (a matter to which I return below) that in shouldering the risk that their perception of the need for live work units, translated into actual demand, might ultimately prove to be illusory, it is simply responding to public policy objectives that are expressed in the development plan and elsewhere, rather than hard evidence underpinning such policy. Equally, the appellant company contends that the Council's suggestion that prior commitment by purchasers of the live work units proposed (the equivalent, effectively, of a 'pre-let' in mainstream commercial property terms) is unrealistic.
41. I have some sympathy with that standpoint. It seems to me unlikely that a small business owner would commit in advance to an uncertain prospect for an unfamiliar type of development and even if one such prospective purchaser could be signed up it is improbable that three, for example, would do so in a

² Memorandum from EDO Jane Bagley dated 14 July (2015)

sufficiently short timescale to demonstrate a tangible need for a number of the proposed units in that way. I consider that marketing a certain opportunity with the benefit of full planning permission and a commitment to deliver within a specified timescale would be much more likely to convert any latent demand into a firm sale of this type of property. Equally, a mere indication of potential interest would not meet the Council's apparent concern because, without binding commitment, there could be no certainty that the units would be bought in any event. Judging the risk is inevitably the responsibility of the developer in a case such as this.

42. Savills has advised from a broader than essentially local perspective and I consider some credence from an evidential point may be given to the proposition that the units could be attractive to business owners unable or unwilling to compete in the 'country rectories' market notwithstanding that they would wish to live alongside workspace that might be available in the form of converted outhouses that are frequently associated with the more substantial type of rural property. Nevertheless, as the Council points out, the only firm conclusion to be drawn is that there is a... *"general demand for residential properties with outbuildings that have work/commercial potential"*.
43. The fact of the matter it seems to me is that the appeal concerns, in part, a relatively novel and in some respects culturally unfamiliar concept, albeit one that could be seen as a logical response to diversifying patterns of working, including home based working and utilisation to fuller advantage of ever evolving and improving information and communications technologies. There is no ready template, let alone a tried and tested one, for objectively assessing need for the type of property exemplified by the proposed live work units; and the essentially anecdotal accounts of European experience on both sides of the argument is, again, of limited assistance. The views of the property professionals differ markedly and are heavily caveated or qualified.
44. Against that background, however, I see no particular justification in the claim that live work units are inherently more suitable for urban enterprises and their proprietors than their rural equivalents. Indeed, it seems to me that 'living over the shop', so to speak, could well be a more attractive proposition in a rural situation than an urban one where a good range of residential opportunities is more likely to be reasonably accessible to dedicated modern workspace nearby than might normally be expected to be the case in many rural areas.
45. Bearing all the above considerations in mind, I consider the appropriate response to the issue to be one that is rooted in public policy, as set out in the Framework and the development plan.
46. The former is quite specific in the sense that policy 5 of the JCS aims to sustainably develop both the urban and the rural economy to support jobs and economic growth across all sectors. Particular emphasis is placed on, amongst other things, flexible building design and innovative approaches and the needs of small medium and start-up businesses; although from the contextual wording around those objects of the policy it is clear that the emphasis is predicated on a plan-led approach through the allocation of sites for employment and, as appropriate, residential development.
47. Policy 15 anticipates allocation of land for housing in service villages, of which Lingwood is one, but more generalised reference is made to the

encouragement of small-scale employment or service development...
"appropriate to the scale and needs of the village and its immediate surroundings".

48. The third spatial planning objective of the JCS is to promote economic growth and diversity and provide a wide range of jobs. Amongst other measures this spatial planning objective says that live/work units will be encouraged in order to reduce the need for local people to commute long distances to work. Although the development plan is to be read as a whole, the content of the spatial planning objective is not a formally adopted policy as such and therefore does not carry the weight that such policy would normally be accorded. Nonetheless the intention is clearly and specifically expressed as an integral part of the development plan and in that context may therefore be regarded as a significant material consideration.
49. Likewise, the Framework is a material consideration and building a strong, competitive economy is considered central to the delivery of sustainable development, a message clearly articulated in paragraphs 18-22, amongst which paragraph 21 specifically says that, in drawing up Local Plans, local planning authorities should, amongst many other actions... *"facilitate flexible working practices such as the integration of residential and commercial uses within the same unit"*.
50. Thus the concept of live/work units finds high level support at national level and within locally adopted strategy but I have no evidence of specific land allocation within Broadland, at least, for such development, notwithstanding the recent adoption of the SA DPD. Bearing in mind the intention that growth should be plan-led and that Spatial Planning Objective 3 of the JCS is so specific in its encouragement of live/work units, the weight to be accorded to that objective and its equivalent within the Framework as material considerations must to my mind logically be enhanced by the lack of specific allocation, albeit I acknowledge that such units might conceivably be located either within a residential allocation, as intimated by the JCS policy 5, or within a suitable employment allocation.
51. Overall, however, it seems to me there is high level recognition nationally and strategically that there is a need to accommodate demand for live work units of the type proposed but no specific provision within Broadland. Professional views on the likely level of demand vary but this is unfamiliar territory and consensus amongst property professionals, informed, as it has to be, by established practice and individual experience, is therefore unlikely and there are no ready comparables to inform value, so as to underpin conception of demand.
52. In the final analysis, there is little to demonstrate a definable or quantifiable "need" as such, beyond the conviction on the part of the appellant that the firm prospect of its innovative product being made available to the local property market would crystallise latent demand driven by the changing operational requirements of suitable small businesses and changing technologies. However, given the innovative nature of what is proposed, I do not consider that such lack of conventionally demonstrable need should necessarily invalidate or frustrate the appellant's aspiration to innovate. The high level aspirations expressed in public policy documents rather suggest the reverse should apply.

53. It does seem to me, moreover, that there is a potential synergy between the incubator rural office premises proposed, for which there is an acknowledged need, and the live work units proposed if, for example, established businesses can occupy the former on flexible terms and graduate to the latter on a more permanent basis. Equally, the central facilities serving the offices, such as conference room and meeting room availability away from but conveniently located for the home based working space, to occasionally cater for business related events beyond the scope of the latter, could add to the logic of such clustering. It is pertinent in this context that the need for the more conventional office space proposed is not contested by the Council.
54. All in all, it seems to me that policy pulls both ways on the second issue I have identified. The development plan seeks to confine new development to specific allocations and/or the confines of defined settlement limits, whereas it also specifically encourages a form of development for which it makes no explicit allocation, in the case of live work accommodation, or else has underprovided for, in effect, in the case of more conventional office space to serve the rural area. The Framework endorses and promotes the plan-led approach to development whilst strongly advocating economic dynamism in general, including the flexible working practices exemplified by the live work concept.
55. Thus, whilst it is plain that in terms of land allocation and settlement limits, accommodating the need or demand for the proposed development would not accord with the development plan, notably policy GC2 of the DM DPD and certain aspects of JCS policies 5, it is also plain that both the development plan and national policy lend powerful encouragement to the live work element, albeit the former makes no explicit provision for it in terms of allocation. It is moreover accepted by the Council that there is a need for the standalone office element in the area generally.

Accessibility

56. The initial objections of the highway authority and local planning authority concerning highway safety and accessibility have, on further consideration, been withdrawn. Those initial objections resonate with the intuitive response of many local residents whose concerns on those grounds, amongst others, were articulated by their spokesperson at the hearing.
57. I fully acknowledge that, at first sight, locating office development and live work units on the edge of Lingwood may seem counter-intuitive. By reason of the essentially rural nature of the roads serving the village, including those connecting to the A47, it does have a feeling of remoteness from the heavily trafficked strategic highway and the immediate hinterland of the City of Norwich. Moreover, the width and capacity of those roads is variable and their geometry is not universally ideal.
58. However, it is a fact of rural life throughout the country that settlements and the inherited pattern and standard of roads serving them are a product of historical development pre-dating the dominance of motorised private transport and modern reliance on larger vehicles for profitable agriculture and the transport of goods. Use of the rural road network by, cars, lorries and large agricultural machines of various types is therefore both necessary and inevitable. Drivers and other road users adapt to circumstances and adjust their actions accordingly.

59. It is also relevant to the necessary perspective on this issue that Lingwood is already a comparatively large village which has developed in the context of the existing road network south of the A47. That strategic highway is clearly prone to congestion and safety issues at the present time and the form of the junctions, as a matter of observation from a driver's point of view, is less than ideal. But this affects all users of the local network whether they originate from Lingwood or elsewhere in the rural area through which the road passes and its potential for improvement is a broader issue in any event. For present purposes I have no authoritative evidence to suggest that the level of additional traffic to and from Lingwood likely to be generated by the proposed development would be sufficient to materially detract from existing levels of efficiency and safety on this part of the road network.
60. With such background considerations in mind, I have carefully considered the appellant's Highways and Accessibility Report and subsequent addendum³ and I have no reason to doubt its essential conclusions, bearing in mind also that what is proposed (leaving aside the live work units) is not a headquarters office for a single organisation but rather a relatively small development in floorspace terms that is to be divided for independent leasing on a flexible basis by small businesses requiring space in the rural area. As such, I would anticipate peak flows to be much more spread in practice than might normally be expected in the case of a single user and in any event, using industry standard modelling, the peak flows are predicted to be between 20 and 30 vehicles per hour - a level that raises no undue concerns in respect of highway capacity.
61. Reverse flow to the daily pattern of out-commuting from the village might cause some occasional slowing in the passage of outbound traffic in the narrower parts of the lanes around the village as motorists negotiate them in the usual fashion, but would logically not materially increase waiting times to join the A47.
62. Turning to the immediate vicinity of the site, I acknowledge concerns that have been expressed regarding the visibility around the bend opposite the junction of Lingwood Lane with Lodge Road/Acle Road, usefully photographed by local residents⁴ to illustrate the point; but bearing in mind the contextual considerations regarding traffic in rural areas and the lack of hard authoritative evidence to the contrary, I do not consider this to be a decisive limitation on further development in the vicinity, certainly of the relatively limited order of magnitude proposed at the appeal site. In the normal course of events, drivers constantly adapt to such imperfections by driving with appropriate care, as I have previously noted. If that were not the case, the rural road network in general would scarcely be tenable, whereas having driven round the local network on a number of occasions, during the course of visiting the appeal site and the surrounding area, it seems to me that the challenges posed by it for users are within limits routinely regarded as acceptable for competent drivers and cyclists, albeit residents have recorded some incidents in the vicinity.
63. Within the context of the preceding analysis, it is also pertinent that it is recognised by the highway authority and the local planning authority that the development proposed, once constructed, would be unlikely to generate much in the way of HGV traffic, albeit delivery vans, which are ubiquitous in any event, would visit both the offices and the live work units. As far as the

³ Dated 5 May 2015

⁴ Doc 4

construction phase is concerned, HGV traffic would of course be generated, as it would in any other such project whether in a rural or an urban area, but unlike the HGV traffic often associated with agriculture, seasonally or otherwise, it would be for a defined period only. It would, moreover, be susceptible to management measures designed to minimise harmful impact on the operation of the road network.

64. Access to the site itself can be safely achieved with adequate sightlines for the existing speeds observed and the proposal in any event incorporates an extension of the 30 mph limit eastwards past the site entrance. Moreover, the proposal also incorporates the provision of a footway from the site entrance to the existing footway network serving the village to the west. There is therefore no significant safety concern as far as pedestrian access to the remainder of the settlement is concerned.
65. The settlement is classified as a service village for the purposes of the JCS and I consider the principal services available, as recorded within the Highways and Accessibility Report submitted, to be readily accessible by means other than private motorised transport, including in the main, by walking. Existing bus stops for established rural services are readily accessible and the site is notable for its reasonable proximity to the station serving the village, providing access by rail to major settlements in the region and beyond. Within the rural context, the village is an inherently sustainable location and, owing to its location alongside the established settlement and proximity to common services within it, the site shares that accessibility characteristic.
66. For the above reasons relevant to highway safety I find no conflict with policy TS3 of the DM DPD and the fundamentally sustainable location of the proposed development clearly serves the relevant object of Policy 1 of the JCS, namely *"to minimise the need to travel and give priority to low impact modes of travel"*. Given that a limited amount of office space is recognised as being required in the rural area to serve policy intentions in respect of the rural economy, Lingwood seems to me in principle to be a suitable location, whilst similar considerations apply to the live work units proposed, which would be accessible to any daily commuting staff employed by the proprietors of the occupying businesses, whilst they themselves would have transport choices including convenient access to the rail network as the occasion demanded.
67. A core planning principle of the Framework is that that patterns of growth should be actively managed to make the fullest possible use of public transport, walking and cycling and focus significant development in locations which are or can be made sustainable, albeit paragraph 34 indicates that a realistic degree of flexibility should be contemplated in rural areas in any event. Paragraph 32 requires safe and suitable access for all, which can be achieved for the proposed development, for the reasons I have indicated, and it is emphasised furthermore that development should only be prevented or refused on transport grounds where the residual cumulative aspects are severe. Bearing in mind all the above considerations, I have no evidence based reason to conclude that such impacts would be severe on either count.
68. All things considered, I am clear in my conclusion that the appeal site, as proposed to be developed, may be considered an accessible location for the purposes of the development plan and other relevant policy.

Other matters

69. Aside from the main issues I have identified, residents express concern about a range of considerations, some of which are amenable to suitable mitigation through the deployment of planning conditions and some of which are shown to be without substance in the light of the survey material submitted with the application. There is no objection from statutory organisations regarding flood risk and biodiversity and, whilst the loss of best and most versatile agricultural land weighs against the proposal, the amount involved is quite limited in extent and there is no evidence of significant harm in terms of the agricultural economy which, following paragraph 112 of the Framework, should be taken into account.
70. The living conditions of adjacent residents are clearly a material consideration but the layout proposed takes into account the proximity of the property known as Sunnyside and separation distances, bearing in mind the disposition of the existing and proposed properties, from Kingfishers, Litchmer, The Bungalow and Eastview are adequate in terms of residential layout in general but the work element of the live work units on the western side of the site would require additional measures in the form of the acoustic boundary treatment proposed and the application of specific planning conditions. On the eastern boundary, the offset of the office element of the proposal and the residential property at the adjacent smallholding at Little Orchard makes for a satisfactory relationship in terms of the living conditions of its occupiers, bearing in mind also that this is office use within the B1 Use Class.
71. Lingwood Lodge, to the east of the site, is a listed building but it is substantially separated from it by intervening development and vegetation and the layout of the proposal further takes the visual influence of the built form out of the setting of this building. I therefore concur with the analysis set out in the planning officer's report regarding this matter and further conclude that there would be no tangible harm to its significance as a designated heritage asset because, as that report concludes, the setting of Lingwood Lodge would be preserved; an outcome the desirability of which I am obliged to have special regard to by virtue of s66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.
72. Concern has also been expressed by local residents that the precedent set by allowing development contrary to the development plan would be harmful and could lead to a proliferation of similar developments in the countryside. Whilst I am alive to that concern, it is a central principle of development management that the development plan is the starting point and should be followed unless material considerations indicate otherwise. My obligation is to consider the proposal on its own specific merits in the light of that principle. If I conclude that the appeal should be allowed it does not therefore follow that any other such proposal must also necessarily be allowed. The same approach would be relevant and applied to the unique circumstances prevailing.

Material considerations and the planning balance

73. For the reasons I have given, I find that, although the appearance of the site along the Lodge Road frontage would be radically altered there would be no unacceptably harmful conflict with the development plan in respect of the first issue regarding the impact of the development on the character and appearance of the area overall, bearing in mind the quality of its design in

context and the limited impact on the broader landscape. Similarly, I find there is no significant conflict with the development plan regarding accessibility.

74. However, the proposed development would not accord with the development plan insofar as it lies outside the settlement boundary for Lingwood and is not allocated for development. On the face of it, that is a clear conflict with the development plan to which, not least in view of the emphasis on the plan-led system embodied in the Framework, considerable weight must be accorded.
75. That said, to reject the proposed development on that basis, without further consideration, would not be appropriate in statutory terms because there are material considerations suggesting that, in this instance, a departure might be justified, albeit the Council did not in any event agree with its officer's advice on a number of counts in addition to that conclusion.
76. First there is the question of the undisputed need for some additional office floorspace in the area that is unlikely to be met now through existing allocations notwithstanding the recent adoption of the plan. Whilst there is no specific economic equivalent of paragraph 49 of the Framework regarding housing, that factor suggests that relevant policy is not entirely up to date in that particular.
77. Secondly, it is clear that the development plan pulls in opposing directions in the sense that it strongly advocates, through the overarching Spatial Objective 3 of the JCS, live work units as an innovative response to changing patterns of and possibilities for employment, in the context of a clear desire to stimulate the rural economy, but carries no specific allocation to give meaningful substance to that encouragement. So, whilst the development plan is not silent in respect of this element of the proposal in terms of objectives, it remains silent in certain important respects. There is, moreover, no policy which specifies demonstrable need as a pre-requisite for this element but small-scale employment or service development appropriate to the scale and needs of the village and its immediate surroundings is an element of Policy 15 which might arguably read across to live work units in principle. However, there is no reliable methodology for demonstrating need in a conventional sense, as this is a perceived market to which a pioneering approach is unavoidable. In that context, the conviction of the appellant that there is a latent market demand and the innovative design excellence and thoughtful approach in framing the proposals are material considerations worthy of weight.
78. This is especially the case given the policies of the Framework, itself a weighty material consideration, concerning the development of the national economy inclusive of the economy of rural areas. Moreover, its specific endorsement of and encouragement to the flexible working practices, exemplified by the live work concept proposed, are factors which carry considerable weight in this instance.
79. The lack of decisively significant demonstrable harm beyond, principally, the conflict with the development plan by reason of non-allocation and externality to the settlement limit is also material; and this reflects the fact that the proposal at issue is well conceived in principle and detail. Moreover, the sustainable location proposed accords with important policy intentions to minimise travel needs, a relevant concept in rural economic development

notwithstanding the Framework's recognition of practical flexibility in that context.

80. In short, although it does represent a departure from the development plan, it is clear that the proposal has many virtues in terms of planning objectives. Bearing in mind the spirit of paragraph 14 of the Framework and policy GC1 of the DM DPD, in circumstances where the development plan is not fully anticipatory of particular forms of development proposal, I consider that, on balanced assessment, the material considerations in favour of the proposal outweigh the conflict with the development plan. Notwithstanding that conflict, the proposal does represent a sustainable form of development, taking account of the Framework as a whole and should therefore be granted permission, subject to appropriate conditions.

Conditions

81. The conditions suggested by the Council were discussed at the hearing and I have considered them in the light of the relevant Planning Practice Guidance. I consider all to be, in principle, necessary and appropriate. Some require a modicum of revision. For example, requirements to consult other statutory bodies on details are never appropriate in this context. The consideration of details pursuant to conditions is always the sole responsibility of the local planning authority, which may of course consult with others if it so wishes and considers it necessary to do so in the course of discharging that responsibility.
82. The draft condition concerning contaminated land investigation and remediation is unnecessarily detailed, whilst the proposed conditions regarding wheel washing and the parking arrangements for construction workers are more appropriately subsumed in a form of model condition requiring adherence to an approved construction method statement, which also addresses other matters requiring control in this instance, notably, in view of the presence of residential properties nearby, hours of working in the construction phase. In view of the characteristics of the road network, I consider the specificity of the two conditions proposed by the Council (which are better combined) to mitigate as far as possible the effects of construction traffic on this, over and above the generality of construction method on-site, to be necessary and appropriate.
83. I note that the materials proposed are described in general terms on certain of the drawings and not at all on the office elevation drawing 302 Rev.D00, albeit the intention is clear enough in the application overall. For precision and the avoidance of doubt in this important detail influencing the quality of implementation of the proposed development a condition requiring specific approval of materials is therefore required.
84. The appellant company has advanced the proposal on the basis of its unique characteristics and potential contribution to the local rural economy and, amongst other things, the interaction and synergy between the two distinct elements of innovative live work units and small scale office units for start-ups and small businesses. It is therefore important that one element does not proceed in isolation from the other and yet it has to be recognised that the market for the live work units is largely untested in practice. The intention to phase this element by building only three, initially, would therefore reasonably be tied to the more certain market prospect of the freestanding office element; and the appellant's representatives indicated concurrence with that approach. The first three live work units would therefore be available for occupation at the

same time as the office suites, helping to consolidate their attraction to prospective purchasers whilst ensuring that the latter element of the proposal could not be built in isolation. Moreover, it was agreed to be necessary and reasonable to effectively confine the offices to occupation by the small businesses for which they are intended by preventing subsequent alteration to amalgamate individual office units so as to create unduly large single offices potentially occupied by larger organisations appropriately located in more strategically accessible urban areas.

85. I therefore intend to impose two separate conditions designed to achieve those two ends in a straightforward, precise and enforceable fashion without, in the case of the office development, necessarily inhibiting unduly any prospects for the local growth of any particular occupant. Some flexibility would in my view reasonably be required if, for example, a particularly successful enterprise felt it necessary to occupy the larger spaces available on each of the two floors pending relocation to premises more akin to traditional headquarters buildings.⁵

Overall Conclusion

86. I have taken all other matters raised into account but none are sufficient to alter the overall balance of my conclusion that, for the reasons I have given, the appeal should succeed.

Keith Manning

Inspector

Annex: Schedule of Conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans:
 - Drawing number 100 Rev.D02 – Proposed Site Plan
 - Drawing number 200 Rev.D04 – Base Units A and B Proposed Floor Plans
 - Drawing number 250 Rev.D02 – Base Units A1 and B1 Elevations as Proposed
 - Drawing number 251 Rev.D02 – Base Unit A1 and B1 Elevations as Proposed - Extended
 - Drawing number 252 Rev.D00 – Base Unit A2 and B2 Elevations as Proposed
 - Drawing number 253 Rev.D00 – Base Unit A2 and B2 Elevations as Proposed - Extended
 - Drawing number 300 Rev.D01 – Office Building Proposed Floor Plans
 - Drawing number 302 Rev.D00 – Office Building Proposed Section

⁵ See, for example, paragraph 3.4 of the submitted Roche Report on Supply & Demand

- 3) No development shall take place until details of the position, size and appearance of the electricity substation to be provided within the application site has been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.
- 4) Notwithstanding the generality of the information regarding materials shown on the approved plans no development shall take place until specific details of the materials, including colour, to be used in the construction of the external surfaces of the buildings hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
- 5) No development shall take place until a detailed landscaping scheme has been submitted to and approved in writing by the local planning authority. The scheme shall include:-
 - means of enclosure;
 - hard surfacing materials;
 - structures (e.g. furniture, signs, lighting);
 - plans identifying all proposed planting;
 - written specifications (including cultivation and other operations associated with plant and grass establishment);
 - schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate; and
 - an implementation programme.

The development shall be carried out in accordance with the approved details.

If within a period of five years from the date of planting, any tree or plant or any tree or plant planted in replacement for it, is removed, uprooted or is destroyed or dies, or becomes in the opinion of the local planning authority, seriously damaged or defective, another tree or plant of the same species and size as that originally planted shall be planted at the same place, unless the local planning authority gives its written consent to any variation.

- 6) No development shall take place until an archaeological evaluation by magnometer survey has been undertaken in accordance with a scheme to be submitted to and approved in writing by the local planning authority. The resultant report, including a programme for any mitigation measures, shall be submitted to and approved by the local planning authority. Any mitigation measures shall be implemented in accordance with the approved programme.
- 7) No development shall take place until a site investigation of the nature and extent of contamination has been carried out in accordance with a methodology which has previously been submitted to and approved in writing by the local planning authority. The results of the site investigation shall be made available to the local planning authority before any development begins. If any contamination is found during the site investigation, a report specifying the measures to be taken to

remediate the site to render it suitable for the development hereby permitted shall be submitted to and approved in writing by the local planning authority. The site shall be remediated in accordance with the approved measures before development begins.

If, during the course of development, any contamination is found which has not been identified in the site investigation, additional measures for the remediation of this source of contamination shall be submitted to and approved in writing by the local planning authority. The remediation of the site shall incorporate the approved additional measures.

- 8) No development shall take place until details of energy efficient design and the construction of on-site equipment to secure at least 10% of the development's energy from decentralised and renewable or low-carbon sources have been submitted to and approved in writing by the local planning authority. The approved measures shall be completed prior to the first occupation of the development and thereafter maintained.
- 9) No development shall take place until detailed designs of a surface water drainage scheme incorporating the following measures have been submitted to and approved in writing by the local planning authority:-
 - i) Detailed infiltration testing in accordance with BRE Digest 365 along the length of the proposed attenuation basin.
 - ii) Provision of surface water attenuation storage, sized and designed to accommodate the volume of water generated in all rainfall events up to and including the critical storm duration for the 1 in 100 year return period, including allowances for climate change flood event.
 - iii) Detailed designs, modelling calculations and plans of the of the drainage conveyance network in the:-
 - 1 in 30 year critical rainfall event to show no above ground flooding on any part of the site.
 - 1 in 100 year critical rainfall plus climate change event to show, if any, the depth, volume and storage location of any above ground flooding from the drainage network ensuring that flooding does not occur in any part of a building or any utility plant susceptible to water (e.g. pumping station or electricity substation) within the development.
 - iv) Plans showing management of exceedance surface water flow routes that minimise the risk to people and property during rainfall events in excess of 1 in 100 year return period. This will include surface water which may enter the emergency spillway and appropriate freeboard allowances.
 - v) Details of how all surface water management features to be designed in accordance with CIRIA (C697) The SuDS Manual, or any subsequent update, including appropriate treatment stages for water quality prior to discharge.

vi) Details of who will adopt and maintain the all the surface water drainage features for the lifetime of the development, along with a maintenance schedule.

The surface water drainage scheme shall be implemented in accordance with the approved details and be operational before the first occupation of the development.

- 10) The development shall not be occupied until it has incorporated provision for a water hydrant for the purposes of firefighting.
- 11) Prior to the first occupation of the development, the proposed access road, on-site car and cycle parking, turning and waiting areas shall be laid out and demarcated in accordance with the approved plan and retained thereafter available for that specific use.
- 12) No development shall take place until a Construction Method Statement has been submitted to, and approved in writing by the local planning authority. The Statement shall provide for:
 - i) the parking of vehicles of site operatives and visitors;
 - ii) loading and unloading of plant and materials;
 - iii) storage of plant and materials used in constructing the development;
 - iv) the erection and maintenance of security fencing;
 - v) wheel washing facilities;
 - vi) measures to control the emission of dust and dirt during construction;
 - vii) a scheme for recycling/disposing of waste resulting from construction works;
 - viii) delivery and construction working hours.

The approved Construction Method Statement shall be adhered to throughout the construction period for the development.

- 13) No development shall take place until a Construction Traffic Management Plan and Access Route, which shall incorporate adequate provision for addressing any abnormal wear and tear to the highway, together with proposals to control and manage construction traffic using the 'Construction Traffic Access Route' and to ensure no other local roads are used by construction traffic, has been submitted to and approved in writing by the local planning authority. All traffic associated with the construction of the development will comply with the approved Construction Traffic Management Plan and use only the 'Construction Traffic Access Route', as approved, for the duration of the construction period.
- 14) Notwithstanding the details indicated on the submitted drawings, no works shall commence on site until a detailed scheme for the off-site highway improvement works and access as indicated on drawings numbered drawing number 566/03/003 Rev B and 566/03/004 has been submitted to and approved in writing by the local planning authority.

- 15) No part of the development shall be occupied until the off-site highway improvement and access works referred to in condition 14) above have been implemented in accordance with the approved details.
- 16) The business floor space of each live/work unit shall be finished ready for occupation before the residential floor space is occupied and the residential use shall not precede commencement of the business use.
- 17) The business floor space of the live/work units at Plots 1, 2, 4, 5, 6 and 7 shall not be used for any purpose other than for purposes within Class B1 in the Schedule to the Town and Country Planning (Use Classes) Order 1987 or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification.
- 18) The business floor space of the live/work unit at Plot 3 shall not be used for any purpose other than for purposes within Class B1(a) in the Schedule to the Town and Country Planning (Use Classes) Order 1987 or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification.
- 19) The residential floor space of the live/work unit shall not be occupied other than by a person solely or mainly employed, or last employed in the business occupying the business floor space of that unit, a widow or widower of such a person, or any resident dependents.
- 20) The hours of operation shall for any B1(c) (light industrial) uses shall be limited to 08:00 to 18:00 hours from Monday to Friday and 08:00 to 16:00 hours on Saturday when doors are open.
- 21) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification) the office building hereby approved shall only be internally sub-divided in accordance with the details shown on the approved drawing 300 Rev.D01 and no amalgamation of individual units shall take place. No individual tenant shall be permitted to occupy more than two units on either floor.
- 22) No unit in the office building hereby approved shall be occupied until the live work units 1, 2 and 3 have been constructed ready for occupation.

* * *

APPEARANCES

FOR THE APPELLANT:

M Philpot MRTPI	One Planning
J Fuller	Director, Brineflow Properties & Handling
S Kingston MRICS	Roche Surveyors
S Neesam BA (Hons) DipLA CMLI	The landscape Partnership
K Vincent	Director, Brineflow Properties & Handling
M Allen BSc (Hons) MRTPI MCiHT	Create Consulting

FOR THE LOCAL PLANNING AUTHORITY:

G Beaumont	Senior Planning Officer
J Walchester	Spatial Planning Manager
G Mears	Arnolds Keys Surveyors
R Flint	Arnolds Keys Surveyors

INTERESTED PERSONS:

Councillor D Ward	Ward Councillor
Parish Councillor T Gould	Lingwood and Burlingham Parish Council
S Dickinson	Clerk to Lingwood and Burlingham Parish Council
D Osborne	Local Residents' spokesperson

DOCUMENTS

- 1 Council's notification letter
- 2 Signed Final Statement of Common Ground
- 3 List of local residents represented by Mr Osborne
- 4 Bundle of photographs presented by Mr Osborne
- 5 Extract from Council's 2014/15 Annual Monitoring Report
- 6 Letter from Savills to appellant dated 25/04/16 with letter of 16/06/14 appended
- 7 Extract from Council's Landscape Character Assessment SPD
- 8 Publicity/marketing leaflet for proposed development
- 9 Appellant's costs application
- 10 Council's standing advice to parties wishing to address its Planning Committee