
Appeal Decision

Site visit made on 6 June 2017

by Jonathan Price BA(Hons) DMS DipTP MRTPI

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

Decision date: 20th June 2017

Appeal Ref: APP/K2610/W/17/3166690

Lingwood Hall, South Burlingham Road, Lingwood and Burlingham, Norfolk NR13 4ES

- 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 Mrs Catherine Blaiklock against the decision of Broadland District Council.
 - The application Ref 20160981, dated 27 May 2016, was refused by notice dated 19 September 2016.
 - The development proposed is resubmission of withdrawn planning application 2015/1076 for the conversion of part of former Cart Shed/Stables to form 1 residential dwelling together with stopping up of the existing access arrangement and replacement with an alternative layout.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the balance between the effects of the development on the character and appearance of the area, including on protected trees, and those on the safety of users of the adjacent highway and the setting of the listed Lingwood Hall.

Reasons

3. The appeal site lies to the east of Lingwood village in a rural area mainly characterised by large arable fields and narrow country lanes. The grounds around Lingwood Hall, a grade II listed building, are attractively landscaped and located within a surrounding arable area that is not particularly well-wooded. The trees provide visual containment and a pleasing counterpoint to the adjacent areas of more open farmland and, along with their intrinsic natural beauty both individually and as a group, contribute strongly to the attractive character and appearance of this rural area.
4. Mature trees, interspersed with thick vegetation, line the boundaries of the appeal property along South Burlingham Road and Lodge Road, often growing adjacent the edge of the highway. The proposal would involve the closing off of the existing access to Lingwood Hall, which joins the South Burlingham Road directly adjacent to its junction onto Lodge Road, and reinstating a former entrance further to the south.

5. Following its decision the Council has served a Tree Preservation Order (TPO) protecting nine individual oak trees (T1 – T9) which line the roadside boundary to Lingwood Hall. Having examined the TPO, and sought advice from the parties, I ascertain that seven of these protected oak trees are proposed to be removed to provide improved highway visibility at the new access and at the junction onto Lodge Road. These would be the four oaks, two either side of the re-opened entrance, along South Burlingham Road (T6 – T9) and the three along Lodge Road (T2 – T4). These trees are all classed Category B under British Standard 5837:2012¹ in the submitted Arboricultural Impact Assessment, as of moderate quality with an estimated remaining life expectancy of at least 20 years, and I concur with this.
6. This new entrance arrangement is to provide a safer access to permit the conversion of part of former Lingwood Hall outbuildings to a modest, two-bedroom dwelling. The other half of this outbuilding is already in residential use and is in separate ownership with its own access. Although the conversion proposed is sympathetic to the original building, and would help secure its long term preservation as a curtilage listed structure, there is no evidence this outbuilding is in poor condition and under any immediate threat. This limits the weight given to the desirability of preserving the setting of the listed Lingwood Hall, to which considerable importance and weight must be applied in the overall planning balance following the Barnwell Manor judgment², as the proposal is not necessary to secure this.
7. In the vicinity of the appeal site South Burlingham and Lodge Roads are both narrow, single-carriageway country lanes, with banked sides and without footways, which wind through countryside with significant farm vehicle usage. Although subject to the national speed limit the appellant's transport statement shows average traffic speeds on the road fronting the appeal site to be around 30 mph and there is no recorded accident data to evidence any notable highway safety issues resulting from the current access arrangements.
8. The existing entrance to Lingwood Hall is substandard, with limited visibility onto the highway, and the proposed revised access further from the Lodge Road junction would provide safety benefits. These would be in respect of its position further away from the main Lodge Road junction and by the better visibility offered through the removal of roadside trees and hedging.
9. However, the amount of further traffic movement generated by an additional two-bedroom dwelling would be relatively small. The Transport Statement estimates these would amount to only up to 2 two-way vehicle trips in the morning and evening peak hours of activity and I find no reason to disagree with this. The overall highway safety benefits derived from the removal of mature trees to provide better visibility onto South Burlingham Road at the proposed new access and thereon onto Lodge Road would, in relation to the amount of additional vehicle movements generated, be relatively small.
10. There would be a degree of wider community benefit from the removal of trees along the Lodge Road improving visibility at the highway junction to which limited weight can be attributed. However, I am not persuaded that the

¹ BSI Standards Publication BS 5837:2012 *Trees in relation to design, demolition and construction*.

² Barnwell Manor Wind Energy Ltd v East Northants DC, English Heritage, National Trust and SSCLG [2014] EWCA Civ 137.

relatively small increase in vehicular movements generated by this proposal would demand this in addition to the revised and improved site access.

11. There would be social benefits in the scheme providing a single dwelling to help meet overall housing supply demands and its conversion and future occupation would engender local economic benefits. However, with the provision of just one dwelling these benefits would be commensurately very small.
12. There is no compelling evidence these oak trees are in a particularly poor condition. In terms of their long lifespan these native trees might be now within their period of gradual decline but this would endure for many years in which period they would continue to provide a valuable historical, visual and ecological role.
13. The harm to the character and appearance of this area caused by the loss of the mature trees and other vegetation, which would not be adequately mitigated by the replacement planting, would be substantial. This harm would strongly outweigh the benefits identified, including to highway safety and in respect of preserving the setting of the listed house. Consequently, the proposal would conflict with the aims of Policy 1 of the Joint Core Strategy³ to prevent the loss of mature trees and vegetation as part of an overall network of green infrastructure. There would be conflict also with the objectives of Policy EN2 of the Development Management DPD⁴ in regard to protecting natural features which make a significant contribution towards defining the character of an area.
14. These policies are consistent with the aims of the National Planning Policy Framework that planning should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, minimising impacts on biodiversity by establishing coherent ecological networks and refusing development where the benefits would not outweigh the loss of aged trees.

Conclusion

15. For the reasons given the harmful effects of the development on the character and appearance of the area, due to the removal of protected trees and other vegetation, would strongly outweigh the benefits, including in respect of the safety of users of the adjacent highway and in preserving the setting of the listed Lingwood Hall. Consequently, having taken into consideration all other matters raised, I conclude that the appeal should be dismissed.

Jonathan Price

INSPECTOR

³ Greater Norwich Development Partnership – Joint Core Strategy for Broadland, Norwich and South Norfolk – adopted March 2011, with amendments January 2014.

⁴ Broadland District Council's Development Management Development Plan Document (DPD) adopted 2015.