The Planning Inspectorate

Appeal Decision

Site visit made on 5 February 2018

by Richard Aston BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22nd February 2018

Appeal Ref: APP/L2630/W/17/3181672
Land north of Ketteringham High Street, The Caravan, Norfolk NR18 9RU

- 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 Mr Michael Austin against the decision of South Norfolk District Council.
- The application Ref 2017/0413, dated 21 February 2017, was refused by notice dated 22 June 2017.
- The development proposed is 3 bungalows.

Decision

1. The appeal is dismissed.

Procedural Matter

2. The application was made in outline form with all matters reserved. The submitted 'Block Plan' is marked as indicative and I have determined the appeal on this basis.

Main Issues

3. The main issues are the effect of the proposal on the setting of Ketteringham War Memorial, a Grade II Listed Building and the effect of the proposal on the character and appearance of the area.

Reasons

Background

4. The proposal before me follows the non-determination of an application for planning permission and a breach of planning control in 2015 with the subsequent dismissal of related appeals in 2016[1]. Whilst each case must be determined on its own merits I have had regard to these previous decisions in the determination of this appeal.

Ketteringham War Memorial

5. Section 66(1) of The Planning (Listed Buildings and Conservation Areas) Act 1990 requires special regard is given to the desirability of preserving a listed building or its setting. Paragraph 132 of the National Planning Policy Framework ('the Framework') makes it clear that when considering the impact

[1] Appeal refs: APP/L2630/C/15/3138527 and APP/L2630/W/15/3130520.

of a proposed development on the significance of a designated heritage asset great weight should be given to the asset's conservation.

6. Ketteringham War Memorial ('KWM') is a Grade II listed structure, listed as part of a nationwide thematic programme to list war memorials for the centenary of the First World War. It is a physical representation of the sacrifices of the Ketteringham community in the major conflict of the First World War (1914-1918), giving it both a local historical significance and a wider national significance.

7. It is designed as a Celtic wheel head cross and bears the names of 7 local men who died during that conflict. The memorial stands in a small, roughly square shaped area on the northern side of the High Street and is enclosed by a mature hedgerow on 3 sides. It is part of a wider and larger open area of grassed land to the rear that contains post and rail fencing. Despite development opposite, on this side of the street the openness and the lack of any significant development on the site combine to give a prevailing a sense of tranquillity for quiet reflection and contemplation that contributes to the significance of the designated heritage asset.

8. The Framework states that the setting of a heritage asset is the surroundings in which it is experienced and that this can be more extensive than its curtilage. Heritage assets are clearly influenced by the comprehension of external factors and development within their setting, the extent of which is not fixed and can evolve over time.

9. The introduction of residential development in such close proximity to the KWM would result in additional activity and movements from vehicles and future occupants. Instead of a backdrop of open countryside and sky the proposal would replace this with 3 dwellings which are likely to have substantial and bulky roof forms, gardens, access points, and driveways and associated parked vehicles. Despite the lack of objection from the Council's Senior Conservation and Design Officer, I am not bound by their views.

10. The built form would be clearly conspicuous in the immediate surroundings of the memorial and activity associated with it would be perceptible. These distractions would be both visual and audible and to my mind, they would detract from the tranquil and peaceful setting of the KWM, causing harm to its significance as a designated heritage asset. This would not be mitigated by any additional landscaping that could be provided within the appeal site and as suggested on the indicative plans. The proposal would conflict with Policy DM 4.10 of the South Norfolk Local Plan Development Management Policies Document Adoption Version 2015 ('LP') insofar as it requires proposals to sustain, and where possible enhance and better reveal the significance of the asset and make a positive contribution to local distinctiveness.

11. In the context of both Policy DM 4.10 and Paragraph 134 of the Framework the harm is less than substantial. Consequently, it requires that I weigh any public benefits, including securing the assets optimum viable use against the less than substantial harm. This is a matter I return to below.

Character and appearance

12. The general grain and pattern of the landscape in the area comprises widely dispersed individual dwellings and farm buildings of mixed character set in an

arable landscape. The village has a linear form and although there is some sporadic development leading out from the village, when approaching the settlement the site appears as an open field with the KWM in front of it. It forms part of an important gap in development between the more densely developed parts of the village to the west and opposite that positively contributes to the rural character and setting of the village.

13. In character terms and given the wider scope of such an assessment the effects on tranquillity and the landscape as a resource would be minimal and somewhat localised. However, the introduction of the development onto an undeveloped site would alter its character as a site that provides an important and valuable contribution to the open and undeveloped landscape setting of the settlement.

14. Although all matters would be reserved for future consideration, there are a limited number of ways in which the site could be developed for 3 bungalows. The introduction of the likely size and scale of such built form would appear overly dominant and visually prominent, substantially diminishing the contribution that the appeal site makes to the character and appearance of the area. In such a context it would not represent a high quality of design.

15. Overall, it would represent an uncharacteristic intrusion of built form and degree of suburbanisation of the appeal site that would be at odds with the spacious and open quality of it and its rural surroundings, to the detriment of its character and appearance. I do not consider that existing or future landscaping would mitigate this harm, mindful that any additional landscaping would also take a substantial amount of time to mature and is dependent on a number of factors to be successful.

16. For these reasons, the proposal would cause harm to the character and appearance of the area. It would conflict with Policy DM 4.5 of the LP and Policy 2 of the Joint Core Strategy for Broadland, Norwich and South Norfolk 2011 ('CS'). Taken as a whole these require a high quality of design that protects and enhances the character and appearance of its surroundings, including landscape character.

Other Matters

17. I note the appellant's frustration regarding the Council's handling of the application and the decision making process. Whatever may be the case, my decision is based solely on the evidence and argument put forward by the parties and the Council's administration and determination of the application have no bearing on the planning merits of the appeal before me.

18. My attention has also been drawn to the approval of 3 dwellings pursuant to 2017/1572 in proximity to the appeal site and reference is made to other proposals to develop the gap, which are not before me[2]. The former scheme is located further away from the designated heritage asset, is not within its immediate setting and was judged to have different effects in character and appearance terms[3]. The considerations and judgements involved are not, in my view, directly comparable to the appeal proposal before me. Consequently, such matters do not alter my views in relation to the main issues and in any event, each case must be determined on its own merits.

[2] Paragraphs 18 and 24 of the appellant's statement.
[3] Paragraph 4.18 of 2017/1572/0 Development Management Committee Report 13 September 2017.

Planning balance and conclusion

19. I am required to determine this appeal in accordance with the development plan, unless material considerations indicate otherwise. The starting point therefore is that the proposal would conflict with Policies DM 4.5 and 4.10 of the LP and Policy 2 of the CS. There would be compliance with some aspects of the plan but the conflict I have identified is such that it should be regarded as being in conflict with the development plan, when read as a whole. It is therefore necessary to consider whether there are material considerations which indicate that permission should be granted, notwithstanding this conflict.

20. I have been referred to a lack of a 5 year supply of housing land although the extent of any shortfall is unclear. The Council's third reason also refers to the harm outweighing the benefits, in Framework terms. The Framework is a significant material consideration but because less than substantial harm has been identified to the significance of a designated heritage asset, before considering whether Paragraph 14 and the presumption in favour of sustainable development in the first limb of the fourth bullet point applies, this harm should be weighed against the public benefits of the proposal in order to address the second limb.

21. Three bungalows would provide a small contribution to the supply of housing in an area of undersupply along with some minimal associated social and economic benefits during construction. The proposal would also result in a small contribution to the maintenance of the vitality of rural communities.

22. The appellant states that the units would be self-build and Paragraph 50 of the Framework seeks to deliver a wide choice of homes including self-build properties. However, there is nothing substantive before me to suggest the demand for self-build plots is incapable of being met through existing development management policies and housing allocations, which generally seek to direct new dwellings to defined settlements and already seeks a mix of housing. I therefore afford such a consideration little weight.

23. Taking everything together, the public benefits do not outweigh the considerable importance and weight that I give to the desirability of preserving the setting of the KWM. Whilst the Council cannot demonstrate a 5 year housing land supply, in accordance with the requirements of Paragraph 14 and Footnote 9 of the Framework, I have found that specific policies in the Framework indicate that development should be restricted[4]. As such, the proposal would not be the sustainable development for which Paragraph 14 indicates a presumption in favour.

24. For the reasons given above, the proposal would conflict with the development plan, when read as a whole. Material considerations, including the Framework do not indicate that a decision should be made other than in accordance with it.

25. Having considered all other matters raised, I therefore conclude that the appeal should be dismissed.

Richard Aston

INSPECTOR

[4] Designated heritage assets.