



Appeal Decision

Site visit made on 6 August 2019

by Jonathan Price BA(Hons) DMS DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15 August 2019

Appeal Ref: APP/L2630/W/19/3222548

Disabled Motoring UK, The Street, Ashwellthorpe, Norwich NR16 1EX

- 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 Mr J Kudhail (Edifices DK Limited) against the decision of South Norfolk Council.
 - The application Ref 2018/2359, dated 24 October 2018, was refused by notice dated 14 January 2019.
 - The development proposed is the erection of a retirement-aimed courtyard development (following demolition of B1 offices) with private and shared amenity, parking & turning.
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Decision

1. The appeal is dismissed

Main Issues

2. The main issues are:
 - the effect of the housing proposed on the character and appearance of the area
 - the extent to which future occupiers of the proposed dwellings would have reasonable access to regularly-required services and facilities
 - whether there would be an overriding economic, environmental or community benefit from the proposal which would outweigh the benefit of the current lawful use continuing.

Reasons

Character and appearance

3. The character of the surrounding area is essentially rural, predominantly that defined by the spacious and verdant grounds that provide the historic setting of Ashwellthorpe Hall, a grade II listed building. The proposal is towards the end of the drive serving the Hall and seeks development on the site of an existing modern office building. There are two other dwellings along this drive, Dawn Cottage and The Lodge, but otherwise the appeal site is set apart from the nearest residential area of Ashwellthorpe village, which comprises modern, quite closely spaced ribbon development.
4. The proposal is for a tightly-arranged rectangle of seven, two-bedroom, single-storey dwellings enclosing a small central courtyard. The existing office car park would provide the basis for a slightly increased number of parking spaces

at one end of the development with a communal garden proposed on the opposite side. The block of dwellings would increase the built footprint quite significantly on a site close to the listed Hall and which formed part of its original grounds.

5. The larger area of development proposed, over and above the footprint of the existing office building, would further detract from the open nature of these historic landscaped gardens. The result would be of significant harm to the character and appearance of the countryside at the edge of Ashwellthorpe village. As a consequence, I find there would be clear conflict with Policy 2 of the Joint Core Strategy for Broadland, Norwich and South Norfolk¹ (JCS) and policies DM1.4(d)(i) and DM3.8(4) of the South Norfolk Development Management Policies Document² (DM) insofar as these seek good design in new development compatible with the distinctive character of its surroundings.
6. I have had regard to the appellant's heritage impact assessment. However, the degree to which the housing would be sited so as to be screened from the Hall by existing vegetation and further landscaping would not alter the significant harm caused by a development sited close to this listed building and occupying a larger part of its original garden. Neither would this harm be fully avoided by the relatively low profile of the housing proposed or a design which seeks to reproduce, not entirely successfully in my opinion, the form and appearance of a historic coach house and stables.
7. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that in determining this appeal special regard shall be given to the desirability of preserving the setting of the listed building. The significance of the heritage asset is the grand scale and quite ornate detailing of the Hall set in spacious grounds with various ruins and structures forming part of its character and setting. Although beyond the moat, the appeal site is a part of the original Hall grounds where a significant amount of further development would detract from the open and spacious context within which this listed building might be appreciated. The scheme results in harm as a consequence and quite clearly fails to preserve the setting of Ashwellthorpe Hall.
8. The effect on the setting of Ashwellthorpe Hall was not an explicit part of the Council's reasons for refusal. The officer's delegated report (paragraph 4.22) found no significant harm in this regard which was considered outweighed by public benefits. Whilst I likewise agree that the harm to this heritage asset would be less than substantial, I must nonetheless give this considerable importance and weight in this decision, with the preference being to preserve the setting of the listed building. Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, paragraph 196 of the National Planning Policy Framework (the Framework) seeks this be weighed against the public benefits of the proposal. There would be a small degree of general public benefit in providing additional retirement accommodation. However, the benefits of the scheme are mainly private ones and insufficient to outweigh the harm to the significance of this heritage asset.
9. The proposal would conflict with the Framework policies for the historic environment over the desirability of new development making a positive

¹ Joint Core Strategy for Broadland, Norwich and South Norfolk. Adopted March 2011, amendments adopted January 2014.

² South Norfolk Local Plan Development Management Policies Document – Adopted Version October 2015.

contribution to local character and distinctiveness and conserving heritage assets in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations.

Access to regularly-required services and facilities

10. The location of the dwellings would require a reasonably lengthy walk to access either the limited bus service or other of the few facilities available in Ashwellthorpe. There can be little doubt that occupiers of the retirement dwellings would be reliant to a relatively high degree on private car use and deliveries to meet regular needs. Although the intention is for retirement accommodation, where access to employment and schools would be less of an issue, the limited bus service to larger centres would mean that private car use would be the more convenient means to access facilities such as supermarkets and health centres.
11. I have taken into account that the traffic movements generated by the residential development might be more than off-set by the cessation of the existing employment use. Nevertheless, the location of housing here would remain in conflict with JCS Policy 1 and DM Policy 3.10 in respect of these seeking to focus most development on public transport routes and to minimise the need to travel, giving priority to low impact modes and promoting sustainable transport.

Whether overriding economic, environmental or community benefits outweigh the current use

12. DM Policy 2.2 seeks to safeguard all buildings in employment use unless shown to be economically unviable or impractical or where another use would provide overriding economic, environmental or community benefits. Some evidence of limited future viability as an employment use is provided but this has not been fully explored by a marketing exercise and so the appellant's case rests mainly on the overriding benefits.
13. The development is proposed as an over-55s retirement or mobility living complex, although the ability to retain this as such in perpetuity is limited by the lack of a legal obligation to this effect. However, assuming this had been provided, there would be moderate benefits in meeting a need for market housing for older persons thus freeing up larger family housing as a result.
14. Whilst there might be the attraction of a peaceful rural location with neighbours of a similar age and maintained communal gardens, there are disadvantages in respect of accessibility to services and facilities, remoteness from a larger community and a reliance on private car use and deliveries to meet regular needs. Taking into account the harm caused to the character and appearance of the area, and to the setting of Ashwellthorpe Hall, the overriding economic, environmental or community benefits would not exist for the proposal to satisfy DM Policy 2.2 in respect of safeguarding employment sites.

Planning Balance and Conclusion

15. JCS Policy 15 classes Ashwellthorpe as a Service Village, where land will be allocated for small-scale housing subject to form and character considerations. The appeal site is not allocated for housing and nor is it within the development

- boundary defined for Ashwellthorpe, to where DM Policy 1.3 steers proposals so as to secure a sustainable location.
16. Although a relatively small distance outside the settlement boundary, the proposal is nonetheless classed as being within countryside. As no specific DM policies allow for this proposal outside of the development boundary, to satisfy DM Policy 1.3 the retirement dwellings must be shown to demonstrate overriding economic, social and environmental benefits as addressed in DM Policy 1.1. This aims to ensure development management decisions contribute to achieving sustainable development, taking into account the JCS Spatial Vision and Objectives and the Framework's policies taken as a whole.
 17. Consideration has been given to the parts of the Framework highlighted by the appellant in support of the proposal, with reference to how these have been applied in appeal decisions elsewhere. These other appeal decisions do not relate to circumstances entirely similar to this case, which has been assessed primarily on the basis of its own merits.
 18. To promote sustainable development in rural areas, paragraph 78 of the Framework states that housing should be located where it will enhance or maintain the vitality of rural communities and planning policies should identify opportunities for villages to grow and thrive, especially where this will support local services. In this case the JCS and DM policies identify Ashwellthorpe as a Service Village and have allocated land for some housing growth in conformity with this part of the Framework.
 19. Being close to the village development boundary, this proposal might not comprise isolated homes in the countryside that paragraph 79 of the Framework seeks that decisions avoid. The Planning Practice Guidance also states that a wide range of settlements can play a role in delivering sustainable development in rural areas, so blanket policies restricting development in some types of settlement will need to be supported by robust evidence of their appropriateness. However, I do not consider the proposal to be within a settlement and looking at the Framework in the round, there are strongly countervailing policies to locating housing outside the village development boundary. These include conserving and enhancing the historic environment (Chapter 16) and the natural environment, recognising the intrinsic character and beauty of the countryside (Chapter 15).
 20. Paragraph 103 of the Framework seeks planning decisions take into account that opportunities to maximise sustainable transport solutions will vary between urban and rural areas. I consider this is to acknowledge some development justifies a countryside location and might otherwise be precluded. However, the main thrust of paragraph 103 is for significant development to be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes, thereby helping to reduce congestion and emissions and improving air quality and public health. By limiting development to within settlement development boundaries the JCS and DM policies are consistent with the aims in Chapter 9 of the Framework over promoting sustainable transport and which do not provide encouragement for the proposal.
 21. Paragraph 84 of the Framework requires that decisions should recognise that sites to meet local business and community needs in rural areas may have to be found adjacent to or beyond existing settlements, and in locations that are

not well served by public transport. However, this section does not appear to relate specifically to meeting housing needs. Although the development would be partly on previously-developed land, also making effective use of the site, any small environmental benefits in this respect are reduced by the harmful incursion into a significant area of greenfield space.

22. With regard to paragraph 11 of the Framework, the application of its policies that protect assets of particular importance, specifically the setting of Ashwellthorpe Hall, provides a clear reason for refusing the development. Therefore, it is not necessary in giving weight to the Framework to apply the so-called tilted balance as set out in section d) ii. The loss of employment premises would offset the economic benefits of construction and additional consumer spend within the village. Seven market dwellings, whilst meeting a specific retirement need and offering a readily-deliverable boost to housing supply generally, would provide only a moderate social benefit. The evidence demonstrates the environmental harm would significantly outweigh these social and economic benefits. The proposal would therefore conflict with DM policies 1.1 and 1.3 regarding housing proposals within the countryside outside of settlement boundaries and be contrary to the development plan and the Framework taken as a whole. I conclude therefore that the appeal should be dismissed.

Jonathan Price

INSPECTOR