
Appeal Decision

Site visit made on 4 December 2019

by John Morrison BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 December 2019

Appeal Ref: APP/L2630/W/19/3234099

Pine Tree Cottage, School Road, Bressingham IP22 2AR

- 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 Ms Nancy Gray-Davies against the decision of South Norfolk District Council.
 - The application Ref 2019/0172, dated 22 January 2019, was refused by notice dated 12 March 2019.
 - The development proposed is described as the erection of new dwelling and associated garage.
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Decision

1. The appeal is dismissed

Main Issues

2. There are two main issues. These are the effect of the proposed development on the character and appearance of the area with specific regard to the setting of a grade II listed building; and whether the appeal site would be an appropriate location for a new dwelling having regard to access to services and sustainable patterns of new development, the requirements of the development plan and the Council's supply of housing sites.

Reasons

Character and Appearance

3. The appeal site is part of the extended garden to Pine Tree Cottage. It is laid to a mixture of hardstanding and grass. Pine Tree Cottage is a small timber framed building with extensions to its rear. It is a good quality example of a traditional rural dwelling set noticeably separate from the main cluster of the settlement and in amongst wide, largely flat and open fields. The timber frame has been encased in a brick exterior. The cottage is a detached brick and tile building set back from and at right angles to the road. The plot is narrow and linear and on a slight incline uphill from the road edge. Both the appeal site and the wider curtilage to Pine Tree Cottage is surrounded by tall mature trees all but obscuring the majority of views in. There is a further row of similar trees separating the appeal site and Pine Tree Cottage.
4. The proposed development would introduce a tier of development, in back land form. This is a more urban layout and density which would not befitting of the rurality of the appeal site's surroundings. Indeed, even when considering the

layout of built development to the west and north, it is mostly single tier frontage plots with open and undeveloped gardens extending to the rear. There would be a distinct shift therefore in the grain of development, against the prevailing characteristics of the area.

5. Turning to the matter of the listed building, the erection of a second dwelling in such close proximity would crowd what is something of an isolated rural context for the cottage to which it owes much of its setting and thus its significance. I appreciate there is some recent development to the opposite side of School Road at Pascoe Place but to my mind these dwellings appear as a stand alone cluster read as a clearly identifiable and deliberately modern group of their own. Clearly separate from Pear Tree Cottage which retains its detached status and thus relationship to the surrounding open field system which would be impinged upon by a further primary building 'sharing' its curtilage.
6. The siting of the dwelling would therefore not only detrimentally affect the character and appearance of the area but it would also adversely affect the setting of a grade II listed building. Given the scale of the proposed development in the grand scheme I would consider the harm to be less than substantial. In this context I am mindful of the assertions of paragraph 196 of the Framework¹ and Policy DM 4.10 of the Local Plan² which requires such harm to be weighed against the public benefits of the proposal.
7. I note the appellant's advance of how the appeal scheme would provide high levels of energy efficiency through both methods of generation and insulation in the building's fabric which would assist in the commitment towards reducing the overall carbon footprint of the scheme. Whilst I shall come onto wider planning benefits later, I have not seen any further detail as to what other benefits the appeal scheme could offer to the public. Whilst an admirable approach adopted by the appellant in terms of build and generation methods, I do not feel that alone it would be sufficient to adequately reduce the harm that would arise out of the matters I have highlighted, especially given the degree of weight both the Framework and the Local Plan state should be given to the conservation of heritage assets.
8. In conclusion in this main issue therefore, the harm that would arise out of the impact of the proposed development on the character and appearance of the area and the setting of the aforementioned listed building would mean it would conflict with Policy 2 of the JCS³, Policies DM 3.8 and DM 4.10 of the Local Plan and section 16 of the Framework which set out, amongst other things, that all development should be designed to high standards and respect distinctiveness, character and safeguard the historic environment from harm.

Appropriate Location and Housing Supply

9. The appeal site is located outside of a settlement limit, by definition and in planning terms therefore it is in the countryside. In the interests of promoting sustainable patterns of new development, the JCS and Policy DM 1.3 of the Local Plan direct such to within defined settlement limits and restrict development in the countryside to specific types and scales, none with which

¹ The National Planning Policy Framework 2019

² South Norfolk Local Plan: Development Management Policies Document 2015

³ Greater Norwich Development Partnership Joint Core Strategy for Broadland, Norwich and South Norfolk 2011, amended 2014

the appeal scheme would sit squarely. There would therefore be some conflict here albeit purely by virtue of the appeal site sitting outside of a line on a map.

10. In the case of the accessibility of the site to services on which occupiers would rely, there is a segregated footway on the opposite side of School Road to the appeal site which would give access to both the primary school and what the evidence suggests is a village shop. This represents a very limited range of services and I dare say that to access higher education, employment opportunities, a wider retail offer and healthcare facilities future occupiers would likely rely on the use of the private car given the apparent limited public transport offer. This is the least sustainable travel option in the context of what the Framework and Policy 6 of the JCS seek to achieve. Taking the above into account, I am also conscious of the fact that any car journeys borne out of the new dwelling would be associated with a single dwelling and thus limited in their overall effect. Indeed, the Framework sets out in paragraph 103 that opportunities to maximise sustainable transport solutions will vary between urban and rural areas and this should be taken into account in decision making.
11. In addition, and as an 'other village' defined in the JCS, a single dwelling in Bressingham could arguably be considered small scale and thus acceptable to be supported by existing services. It might not be within the settlement limit but it strikes me that the connectivity of the appeal site to it and the services it contains would be as good as if it were, considering again we are talking about a single dwelling here. In the case of this main issue therefore, and whilst there would be some conflict with the development plan, the particular circumstances of the case lead me to conclude the appeal site would be an appropriate location for new housing of the scale proposed.
12. There seems to me to remain some ambiguity as to whether the Council is able to demonstrate the supply of housing sites as required by the Framework. Based on figures from the JCS, it seems that the Council would be able to show a number in excess of the five years required. The JCS is however now over five years old and the figures yet to be reviewed. There has been no resolution as yet to consider whether the JCS housing requirement needs updating. The Council state that they are in the process of re assessing the land supply which takes account of the most recent iteration of the Framework and specifically the Housing Delivery Test. A 2017 Annual Monitoring Report that uses evidence from Strategic Housing Market Assessment based on an Objectively Assessed Need for housing (itself pulling on evidence that supersedes that which underpinned the JCS requirement) puts a supply of housing sites below the required five years albeit not by a significant degree. I accept that this more recent evidence has yet to be stringently tested.
13. In terms of how this affects my consideration of the appeal scheme and in the context of the Framework's policies, and if I were to find that the Council were in an undersupply situation, I would be taken to the so called 'tilted balance' set out by paragraph 11 and treat the most important policies accordingly. However, I note that paragraph 11 (d) (i) sets out that, where the policies which are most important for determining the application are out of date, planning permission should be granted unless the application of policies in the Framework that protect areas or assets of particular importance provide a clear reason for refusing the development. In the case of the appeal scheme, this would relate to designated heritage assets and how it would cause harm to the setting of a listed building. With this in mind, I have not undertaken the so

called tilted balance of adverse impact vs benefit as set out by paragraph 11 (d) (ii). As a consequence, the appeal scheme would not be sustainable development for which the presumption in favour set out by the Framework applies.

Other Matters

14. I accept that the new dwelling could be almost obscured from public views and the planting within the site would delineate the curtilages associated with both it and Pear Tree Cottage. However, the harm I have found would extend to matters beyond that which considers what can reasonably be seen and specifically to what elements make up the prevailing character of the area around the appeal site and the setting of the listed building that contributes to its significance as an example of its type. These factors do not therefore influence the conclusions I have reached on the first main issue. The appellant also raises a number of examples of other schemes that have been approved in proximity to listed buildings. Whilst this may be the case, I am not aware of the particular circumstances of each scheme and specifically why they were deemed acceptable. In any event, each development proposal should be considered on its own individual merits.
15. It seems from the plans and the appellant's evidence that the new dwelling would be served by its own access and Pear Tree Cottage would as a result also see its driveway move further south creating a larger front garden area. As beneficial as this would no doubt be for occupiers of the cottage, I do not feel it would be sufficient in light of the harms I have found and the degree of weight ascribed to them. In addition, I note the rationale that has been used to influence the design of the dwelling to which I do not object as an isolated matter and by its virtue it would also provide adequate living conditions for its occupiers. However, good design is to be expected and this, along with the matter of living conditions would amount to a lack of harm which would be neutral in any balance.
16. I agree that the national housing position is less than ideal and that more are needed to be built out. The planning system is no doubt one of the key facilitators of enabling the provision of new housing. However strong that pull maybe however, it does not mean new housing at all costs, it remains equally important that housing is delivered in the right place along with due consideration of all matters relevant thereto.

Conclusion

17. Whilst I have found that there are circumstances specific to the appeal scheme that would lead me to conclude that the appeal site would be an appropriate location for a new dwelling, this would not be sufficient to lessen the harm that it would cause to the character and appearance of the area or the setting of a grade II listed building. It is for these reasons that the appeal is dismissed.

John Morrison

INSPECTOR