
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: 18 December 2019

Appeal Ref: APP/K2610/W/19/3226697

Land to the east of Manor Road and to the south of Newton Street, Newton St Faith

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for outline planning permission.
 - The appeal is made by Bright Futures Development St Faiths Ltd against Broadland District Council.
 - The application, Ref 20181525, is dated 5 September 2018.
 - The development proposed is outline application for residential development comprising 64 dwellings with all matters reserved except access.
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Decision

1. The appeal is dismissed and planning permission is refused.

Main Issues

2. There are three main issues. These are:
 - a) The effect of the proposed development on the character and appearance of the area with specific regard to the setting of listed buildings;
 - b) The effect of the proposed development on the living conditions of existing neighbouring occupiers with specific regard to noise disturbance; and
 - c) Whether the appeal site would be an appropriate location for the proposed development having specific regard to its scale, access to services, sustainable patterns of development and the Council's supply of housing sites.

Reasons

Character and Appearance

3. The appeal site is a large and relatively flat area extending east from Manor Road and south from Newton Street, it is laid to grass and scrub in places with hedges and trees to its boundaries. It is made up of what appears to be a number of separate but linked land parcels that abut the back edge of gardens belonging to dwellings that face the aforementioned roads. Built form in the area is arranged along street frontages for the most part to the south of Newton Street and east of Manor Road. There is a more defined albeit contextually small cluster to the north of Newton Street but this is made up more of development around Newton Close and some commercial premises set

further back. Overall there is a low density and single tier feel to the immediate area and a distinct rurality to the ribbon form of development.

4. The appeal scheme would bring a not insignificant number of dwellings to the immediate area and whilst design and layout matters are fixed for future consideration it seems likely that the proposed development (form, infrastructure and function associated therewith) would be spread across a wide land area and through what appears to be a single point of access as something of a self contained and un related estate type arrangement which would jar with the established street frontage development. It would also significantly increase the density of built form in what is a rural fringe location and erode the rural character that defines it.
5. To the east of the appeal site, accessed via a track running south from Newton Street, lie the grade II listed 17th Century Middle Farmhouse and its associated grade II listed 18th Century granary. Together, they are a high quality surviving example of a thatched rural farmstead close by other agrarian development but mostly open agricultural fields. It is the somewhat isolated nature of the group of buildings and the open fields that contribute much to their setting and thus significance. The development of the appeal site would bring modern and clustered estate like housing in much closer proximity which, given the extent of land they would be situated on, would noticeably and substantially erode the open and rural setting. I see that some open land would remain between the edge of the appeal site and the farmstead, but this would be at the expense of what would be a significance swathe of open land lost in the first instance.
6. Given the outline status of the appeal scheme, I do acknowledge the appellant's argument that a layout could consider the proximity of built form to the farmstead through detail to be agreed. However, the extent of the appeal site would be such that form, infrastructure and function associated with it would still have more of an urban and residential feel to it rather than open, uninterrupted, rural agricultural fields.
7. I am mindful of the proximity of Newton Park, a small development of park homes further northeast of Middle Farmhouse. This has allowed built form to creep towards the farmstead and impinge on its setting, accordingly compromising the wide open character. Far from this being justification for further erosion, I would consider it quite the contrary and arguably a greater need to protect the rural quality of the surrounding land.
8. The scale of the appeal scheme would not be insignificant but given the nature of the harm that would arise out of my concerns expressed here, I would consider such would be less than substantial for the purposes of the Framework¹ and namely paragraph 196 which requires me to balance such against the public benefits. It is perhaps fair to apportion some weight to the provision of housing and affordable housing² through the appeal scheme which would add to choice, mix and affordability locally. For the benefit of the incumbent and future population. It also seems to be the case that improvements will be made to pedestrian links along Manor Road to encourage more healthy modes of travel. I note the appeal scheme suggests a play area but in potential terms only and the provision of open space and green

¹ The National Planning Policy Framework 2019

² Secured through a completed planning obligation as a Unilateral Undertaking

infrastructure would be more related to responding to impacts of the proposed development than benefits thereof.

9. In a balance however, I would not consider that these benefits would be sufficient given their number, scope and the assertions of the Framework which sets out, when considering the impact of a proposed development on the significance of a designated heritage asset, that great weight should be given to the asset's conservation, irrespective of the precise level of the harm caused to its significance. As I have explained, the open and rural/agrarian setting of the listed buildings in this case contributes much to its setting. A substantial amount thereof would be lost, against an existing backdrop of previous loss.
10. The harm to the setting of the aforementioned listed buildings would result in conflict with Policy 1 of the JCS³ and section 16 of the Framework. Between them and amongst other things, these policy approaches seek to protect heritage assets and conserve and enhance the wider historic environment through the protection of buildings and structures which contribute to their surroundings, the protection of their settings. The harm I have found to the more general characteristics of the area would also mean conflict with Policy 2 of the JCS and GC4 of the Local Plan⁴. Along with section 12 of the Framework and amongst other things, these policies seek to ensure that new development is of a high quality and contextually appropriate design and appearance and respect local distinctiveness.
11. I note the Council's mention of Policy EN2 of the Local Plan and how the appeal scheme would give rise to harm to landscape character through the loss of pasture land. Whilst I have found that the proposed development would be harmful to the character and appearance of the area and the setting of listed buildings, I do not feel that this would extend to the same to the landscape character of the area since, and with regard to EN2, the appeal scheme would not affect a defined gap between settlements, interrupt sensitive skylines or hillsides, Conservation Areas, Scheduled Ancient Monuments, Historic Parks or defined green spaces. The flat, relatively featureless and sectional fields making up the appeal site abut existing development on two boundaries and whilst contributing to the rurality of the edge of the village and forming the setting of listed buildings, they do not strike me as being of significant value in landscape terms. I do not therefore find conflict with this policy.

Living Conditions

12. The crux of the Council's concerns in respect of this main issue appear to stem from the proximity of the proposed estate road to the dwellings and gardens of existing properties either side of where it is intended to run from Manor Road. Essentially, it is how the use of the road would give rise to noise disturbance. I note that the matter of access is fixed for consideration at this stage.
13. Whilst there seems no doubt that occupiers of these dwellings would be subject to some additional activity from the use of the road, I do not feel that it would be significantly different to that which they already experience from their dwelling fronting a main road and being set not overly far back from a busy arterial A road. One could legitimately argue that the new estate road would

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

⁴ Broadland District Council Development Management DPD 2015

run the length of the rear gardens of the plots either side at the point where it would meet Manor Road and thus introduce activity closer to the rear gardens. However, as an estate road that is a destination rather than a thoroughfare it does not strike me that users would necessarily be fast moving and being an access to a new residential development, one would reasonably assume movements would naturally reduce during quieter times of the day.

14. With these factors in mind, I do not consider that the additional activity associated with the proposed development would, in context, give rise to an unacceptable impact on the living conditions of existing occupiers through noise disturbance. Such that the appeal scheme would comply with Policy GC4 of the Local Plan in regard to this main issue. This policy seeks to ensure that new development proposals should pay adequate regard to, amongst other things, meeting the reasonable amenity needs of all potential future occupiers and considering the impact on the amenity of existing properties.

Appropriate Location

15. The appeal site is located outside of the settlement as it is defined by the development plan. By definition and in planning terms therefore, it is in the countryside. Policy GC2 of the Local Plan is one of the policies that directs new development to within the settlement limits. It goes on to state that, outside of 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. Whilst I shall come onto the matter of significance of impact later, it seems sufficiently clear to me that the appeal scheme would not sit sufficiently square with other policies for development in the countryside.
16. The boundaries of the appeal site directly abut the back edge of the settlement as it is defined. Newton St Faith is identified by Policy 15 of the JCS as a service village, along with Horsham St Faith. On my understanding it reads as allocation rather than development specific, but it also directs development to in each service village and suggests that such should be small scale. I would not consider the size of the appeal site or the quantum of development to be so, notwithstanding the fact that it would be outside of Newton St Faith in any case.
17. Policy 15 also identifies Newton St Faith and Horsham St Faith as one of those service villages that may be appropriate for additional development to help deliver the small sites in the Norwich Policy Area (NPA) allowance as it is set out by Policy 9. Some 2000 dwellings for the Broadland element of the NPA. I have not been advised of precisely what commitments currently contribute towards this 2000 target and on my reading Policy 9 also seems to explicitly refer to allocations. I am also mindful of Policy 9s additional commentary which includes consideration of the delivery of smaller sites in Broadland and South Norfolk being made in accordance with the settlement hierarchy and local environmental and servicing considerations.
18. It seems that Newton St Faith and Horsham St Faith (between them) have a reasonable range of services that support the incumbent population. I note a primary school, a shop, public house, recreational facilities and a number of businesses of small and medium scale. The majority of the services are located within Horsham St Faith but the two settlements seem to be linked by a continuous footway along Manor Road and a fairly regular bus service with a stop almost opposite the indicative access for the appeal site.

19. This would be of benefit to new residents but in the context of the quantum of new development I have some concerns as to how what is in the grand scheme a limited breadth of services would be sufficient to support it. 64 dwellings would be a significant uplift in the local population and given the limited service offer I remain concerned that occupiers would have to look further afield for higher education, wider employment options and retail choices as well as healthcare facilities amongst other things. As I have mentioned, there is a footway that links Horsham St Faith and Newton St Faith as well as what seems to be a fairly regular bus service that links them to larger settlements but relying on the bus alone, given the scale of proposed development overall, would not in my view be sufficient to reduce what would more likely than not be the case which is an over reliance on the use of the private car. Not only is this the least sustainable travel option but, again when considering the scale of the appeal scheme, such journeys would likely be frequent and high in number. Furthermore, the aforementioned footway is not lit and the length of the journey along would not be a preferred one for elderly or less abled residents.
20. I am therefore minded to conclude, with regard to this main issue, that the appeal site would not be an appropriate location for the proposed development. It would be overly large in scale when considered in the context of what Policies 15 and 9 of the JCS seek to achieve for service villages and would conflict with Policy GC2 of the Local Plan by virtue of its location. The harm I have found would also give rise to conflict with Policies 1 and 6 of the JCS insofar as not minimising the need to travel and give priority to low impact modes of travel or concentrating development close to essential services to encourage walking and cycling as the primary means of travel with public transport for wider access.

Housing Supply

21. There remains disagreement between the main parties as to whether the Council can demonstrate the supply of housing sites as required by the Framework.
22. The Council set out that, following the publication of an interim supply statement in the spring of 2019, they were able to demonstrate a supply comfortably in excess of the required five years. They go on to state however that the statement has not been formally endorsed by all three Councils that make up the Greater Norwich Partnership and consequently is not the final statement that will be published in the Annual Monitoring Report (AMR) for the JCS. As far as I can see, the most recent AMR is yet to be published. The Council's evidence points to the fact that the housing forecasts included within the interim statement have been based on the Councils' knowledge of sites and discussions and correspondence with the relevant developers and site promoters. The housing forecast is considered by the Council to be fully justified although some confirmatory information remains outstanding. The Council say they continue to work with developers and site promoters to establish the deliverability of some additional sites where information is not currently available and have not therefore been included in the current calculated supply.
23. The Council stress that, notwithstanding the interim status of the statement, it is a credible assessment of housing land supply in Greater Norwich and has been carried out in a manner that is consistent with the expectations of the

Framework and Planning Practice Guidance. As such, the statement justifies the conclusion that a five year housing land supply can be demonstrated across the Greater Norwich area.

24. The appellant cites a recent appeal decision APP/K2610/W/18/3207888⁵ which discussed the status of the JCS, the figures it sets out and the relative supply based thereon as well as highlighting its age, the lack of a review and how the Council have performed with regard to the results of the housing delivery test that were published earlier in 2019. I am aware of this decision, I was the author. Whilst it seems the Council have moved on from where they were at the time I considered that particular case, I am concerned about the ambiguity that remains. Namely surrounding the fact that not all of the Council's that make up the Greater Norwich Partnership have endorsed the interim statement, information on some sites is outstanding and ultimately the interim position has not been interrogated in detail sufficient for me to be satisfied that the Council are in a position to demonstrate the supply of housing sites required.
25. That said, and if it were the case that the Council were in an undersupply situation, I would not be taken to the so called tilted balance of harm vs benefit as it is set out by paragraph 11. The reason being 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 designated heritage assets and how the appeal scheme would cause harm to the setting of listed buildings. 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

26. From the evidence provided by the Council, the appellant and consultees it seems that the appeal scheme would be acceptable in terms of highway safety and the living conditions of future occupiers as well as considering matters of ecology, biodiversity, trees and drainage acceptably. These would however have to be the case for the proposed development to be acceptable in other planning terms. They would accordingly be neutral in any balance.
27. I note that the Council has resolved to grant planning permission on a site immediately south of the one subject of this appeal to provide 69 dwellings⁶. I have been provided with details of this scheme. Firstly, it seems that this site was for the most part allocated and thus a known commitment in the development plan. Its overall impact has therefore been subject to consideration previously and, given it was allocated, considered to be acceptable for housing provision to meet targets. The Council however seem to acknowledge the scheme would give rise to some harm. Secondly, it appears that discussions continue between the Council and the developer vis a vie financial contributions. The effect of this is that a planning permission is yet to be granted. Thirdly, it seems on the basis of what I have seen that the site is further south than the one before me and more contained towards

⁵ Land west of Salhouse Road, Little Plumstead, Norwich

⁶ Local Planning Authority reference 20182043 Land off Manor Road, Manor Road, Newton St Faiths NR10 3LG

- existing development along Manor Road. This would maintain a greater distance between it and the listed buildings I have considered earlier.
28. The appellant raises viability arguments concerning the level of affordable housing provision which seems yet to be resolved in the case of the allocated site as a permission hasn't yet been granted. Viability and the provision of developer contributions is not a contentious matter in the appeal before me and as such not a matter which I necessarily need to form a definitive view on. Notwithstanding the fact that in dismissing this appeal, any developer contributions committed in any completed obligation would fall away in any event.
29. Given the above, I am not minded to allow the appeal which, it also has to be borne in mind, has the potential to lead to a significant uplift in new housing for the area well above and beyond what would be provided by each scheme in isolation which I have expressed concerns about. I may disagree with the Council on how the existing area could reasonably cope with the scale of the appeal scheme when they are evidently considering 69 dwellings as a result of their recent resolution. However, it remains this is predominantly an allocated site and thus its development and integration have been previously considered. In any case, matters of weight and subjective planning judgement are for the decision maker in each case.
30. As I have alluded to above, the appeal scheme provides for affordable housing, secured via a completed planning obligation in the form of a Unilateral Undertaking (UU). The UU, as pointed out by the Council and advanced by the appellant, actually commits to a greater affordable housing provision than that required by the development plan. This is a laudable approach but given the nature and extent of the other harms I have found and the weight ascribed to them, as well as how the proposed development would conflict with the development plan, I do not feel such additional provision would be sufficient for the appeal to be allowed.

Conclusion

31. Whilst I have not found harm in respect of how the appeal scheme would affect the living conditions of existing neighbouring occupiers, this would also be a lack of harm and thus neutral in any balance. There would be harm arising from the location of the appeal scheme, its scale and how it would adversely affect the character and appearance of the area and the setting of listed buildings. Accordingly, it would be contrary to the policies of the development plan as I have identified them and the relevant sections of the Framework. I have considered other matters that have been raised but it is for these reasons that the appeal is dismissed and planning permission refused.

John Morrison

INSPECTOR