



Appeal Decision

Site visit made on 12 February 2020

by C Beeby BA (Hons) MIPROW

an Inspector appointed by the Secretary of State

Decision date: 23rd March 2020

Appeal Ref: APP/L2630/W/19/3241292

The Old Hall, Watton Road, Colney NR4 7TX

- 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 Nigel Willgrass against the decision of South Norfolk Council.
 - The application Ref 2019/1354, dated 23 June 2019, was refused by notice dated 17 October 2019.
 - The development proposed is a detached self-build house and associated garages.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - The effect of the proposed development on the setting of a nearby listed building; and
 - Whether the proposal would provide a suitable location for the scheme, having regard to the spatial strategy for the area.

Reasons

Listed building

3. The appeal site is an area of grass which accommodates a tennis court, outbuildings and a swimming pool. The site lies close to The Old Hall, a Grade II listed building. This is a substantial historic dwelling of red brick which is set within lawned grounds. These spacious natural surroundings contribute a sense of the hall's evident status within its rural context to its significance.
4. The hall forms the dominant feature within a small complex of buildings and land and has a prominent location off a main route into nearby Norwich. These elements are also important to its setting and significance.
5. The listed building forms a designated heritage asset for the purpose of Paragraph 193 of the National Planning Policy Framework (2019) ("the Framework"). As such, I am required to give great weight to the asset's conservation when considering the effect of the proposed development on its significance. The Framework reflects statute which also requires me to have special regard to the desirability of preserving listed buildings or their settings.
6. The limited scale of built form at the site allows for views from within it of the river Yare and surrounding meadows beyond it. The existing development at

the site has a subservience which ensures that it does not visually compete with the heritage asset.

7. A modern garage of a 1.5 storey height lies in front of the hall. It allows for views of sky and vegetation to one side of the hall from the appeal site and above the intervening hedge. Views over the appeal site from Watton Road include some of the trees and meadows around the river. These views result from the lack of development adjacent to the modern garage. They contribute positively to the spacious natural setting which forms an important part of the significance of the listed building.
8. The proposed adjacent 1.5 storey garage within the appeal site would interrupt the identified important views of the hall due to its location and scale. The two garages would together form significant modern development within close proximity to the hall, which would visually compete with it. The scheme would consequently erode the spacious natural setting of the listed building. As a result, the proposed garage would have a negative effect on the visual aspects of the contribution which the hall's setting makes to its significance.
9. Turning to the effect of the proposed dwelling, this would lie at the edge of the complex. Its roof ridge height would be over 3 metres lower than that of the hall due to its scale and its position on lower land, with a resulting subservience to the listed building. Whilst a proportion of the dwelling would be glimpsed within views from Watton Road, the foreground of these include an existing substantial single storey barn conversion which would provide partial screening. The proposed dwelling would not compete with the listed building within views of its frontage due to its location away from it. The dwelling would additionally allow for the retention of views of the meadows behind it due to the spacious areas of garden to both sides of the dwelling.
10. Thus, the proposed dwelling would not interrupt the important views of the hall and its setting which I have identified above, and it would preserve the positive contribution of the building's spacious natural surroundings to its setting. Therefore the proposed dwelling would not result in harm to the hall's significance.
11. Nevertheless, the adverse visual effect which would result from the location and scale of the proposal's garage would amount to less than substantial harm to the setting of the Old Hall.

Location of proposed development

12. Policy DM1.3 of the South Norfolk Local Plan Development Management Policies Document (2015) ("DMPD") sets out that proposals should be located on allocated sites or within the development boundaries of settlements. The policy aims to ensure a sustainable pattern of development, and to protect the countryside.
13. There is nothing in the Framework to indicate that the definition of settlement boundaries is no longer a suitable policy response and therefore that such policies are bound to be out-of-date, having regard to Paragraph 213. Policy DM1.3 of the DMPD is broadly consistent with the Framework, which indicates that the purpose of the planning system is to contribute to the achievement of sustainable development. I therefore attach full weight to Policy DM 1.3 in determining the appeal.

14. The appeal site lies outside the development boundary for the area, and therefore it lies within the countryside. The policy allows for development in such a location where specific development management policies allow for this, or where there are other overriding economic, social or environmental benefits.
15. My attention has not been drawn to any specific policies which would allow for development at the location concerned, or indeed which may demonstrate compliance with the development plan as a whole. The provision of a home and the potential support of future occupants for local services and the vitality of the community are advanced in support of the proposal. However, the provision of one unit of housing would make only a minimal contribution to these matters.
16. A signed planning obligation is submitted with the appeal. In it the appellant covenants that the scheme would be a self-build development.
17. The Council is required to give suitable development permission to enough suitable serviced plots of land to meet the demand for self-build and custom housebuilding in its area. The appellant suggests that there is a significant shortfall of such permissions in the area.
18. I acknowledge appeal decisions¹ which address the issue of self-building and which have been submitted by the appellant. If I were to adopt the approach of the first pair of decisions and discount permissions for which a mechanism to secure a self-build development was not before me, the calculation of suitable permissions of this type would reveal that the area has a significant shortfall compared to demand.
19. However, the appeal proposal would supply one self-built dwelling. The contribution which this would make to any shortfall in supply, irrespective of its extent, would therefore be very limited in view of the levels of identified demand. The weight which I attach to the self-build element of the proposal as a benefit is consequently correspondingly limited.
20. It is common ground that the appeal site is previously developed land ("PDL"). The Framework states that strategic policies should set out a clear strategy for accommodating objectively assessed needs in a way that makes as much use as possible of PDL. However, this is not the case where conflict with other policies in the Framework would arise. I have identified conflict with the historic environment policies of the Framework and therefore the Framework does not provide support for the use of PDL in this case.
21. The site has some access to services and facilities, and to public transport. However, these are not so widely available as to represent a significant benefit of the proposal.
22. There is minimal evidence before me to suggest that the proposal would provide affordable housing and therefore the weight which I attach to this as a benefit is correspondingly minimal.
23. If I were to find the appearance of the buildings to be acceptable this would be a relatively neutral matter which would not attract any particular weight.

¹ APP/G2435/W/18/3214451 and APP/G2435/Q/18/3214498, APP/W0530/W/19/3230103

24. I have no evidential basis on which to conclude that there is a shortage of suitable accommodation for staff at the nearby hospital. Moreover, I am unaware of any mechanism which would reserve the Old Hall for purchase by a member of this group once the appellant had moved into the proposed dwelling. Therefore I attach only minimal weight to this suggested benefit.
25. The appeal consequently does not demonstrate the overriding benefits which are prescribed by Policy DM1.3 in order for development to be acceptable in such locations. Thus, it would not provide a suitable location for the scheme, having regard to the spatial strategy for the area. The proposal consequently conflicts with this policy.

Other Matters

26. I note that the Council's Conservation and Design department did not object to the proposal, subject to the use of suitable materials. However, I am not bound by their lack of objection to find the development's effect on the heritage asset acceptable in light of all other available evidence. It follows that a condition requiring the approval of materials for the development would not overcome my concerns, because these relate to the scale and location of the proposed garage.

Planning Balance and Conclusion

27. Policy DM4.10 of the DMPD sets out that less than substantial harm to the significance of a heritage asset will only be justified where there are public benefits that outweigh the harm. In this regard it reflects paragraph 196 of the Framework.
28. Whilst I acknowledge that the proposal would carry the modest benefits identified above, they do not outweigh the harm in achieving the planned spatial strategy for the area and the harm to the significance of the heritage asset, to which I must attach considerable importance and weight.
29. As a result, the proposal conflicts with Policy DM4.10 of the DMPD, which states that development should avoid causing any harm to a heritage asset.
30. The appellant contends that the policies which are most important for determining the application are out-of-date. If I were to accept this, paragraph 11 of the Framework sets out that it is then necessary to grant permission for development proposals, unless any of the criteria referred to apply. These include where the application of policies in the Framework that protect areas of particular importance provides a clear reason for refusing the development proposed. The policies referred to include those in the Framework relating to designated heritage assets.
31. I have found above that the application of the designated heritage asset policies of the Framework provides such a reason for refusing permission for the appeal proposal. Accordingly, the "tilted balance" of paragraph 11 is not engaged in this case.
32. Thus, for the reasons given above, I conclude that the appeal should be dismissed.

C Beeby - INSPECTOR