
Appeal Decision

Site visit made on 28 October 2020

by Jonathan Price BA(Hons) DMS DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 November 2020

Appeal Ref: APP/E9505/W/20/3256122

Land adjacent to Brograve Farmhouse, Coast Road, Waxham, Norfolk NR12 0EB

- 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 Harvey against the decision of the Broads Authority.
 - The application Ref BA/2018/0463/FUL, dated 1 November 2018, was refused by notice dated 5 February 2020.
 - The development proposed is to retain a scrape which has already been dug on land to the east of Brograve Farmhouse, Coast Road, Waxham, Norfolk NR12 0EB.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The scrape in place appears to be as shown in the submitted plans, although the water levels at the time of my visit were high, covering the dug edges.

Main Issue

3. The effect the scrape has on the landscape character of the area.

Reasons

4. The site is within an Area of Outstanding Natural Beauty (AONB), as well as that of the Broads Authority. The scrape is within a marsh currently used to keep cattle. Such grazing marshes, which are drained by networks of straight dykes, comprise a characteristic wetland feature of the Broads landscape. Paragraph 172 of the National Planning Policy Framework (the Framework) requires that great weight should be given to conserving and enhancing landscape and scenic beauty in the Broads and AONBs which, along with National Parks, have the highest status of protection in relation to these issues.
5. The scrape is roughly rectangular in shape, with straight edges and rounded corners, and has a small promontory to one end and two evenly spaced islands beyond that. This water body is fed by a channel that links to the dyke running along the edge of the grazing marsh. As a man-made feature, this particular arrangement differs from the prevailing context of a mainly empty marsh landscape, traversed by a lattice of drainage dykes. In this context, the scrape comprises a somewhat alien feature. Whilst other water bodies in this area of the Broads might historically also relate to human works, these generally have irregular shapes and more naturalised, less well-defined edges.

6. Unlike more visually prominent man-made features, such as the modern farm-buildings which also dot this Broads landscape, above water level the scrape is a two-dimensional feature. Within an expansive, mainly very flat landscape, it is not prominent in views other than in positions quite near to its edges. From such close quarters, the overall form of the scrape is less perceptible, appearing not quite as discordant than as viewed on plan.
7. Nevertheless, despite the reduced visual accessibility, such an unnatural, engineered feature causes a significant degree of harm to the intrinsic character of the Broads landscape. Notwithstanding the presence locally of other flight ponds, such a feature clearly conflicts with policies SP7 and DM16 of the Local Plan¹, as well as paragraph 172 of the Framework, insofar as these seek proposals be both appropriate to, and conserve and enhance, the landscape character of the Broads.
8. Planning law requires that this appeal be determined in accordance with the development plan, unless material considerations indicate otherwise. The scrape and connecting channel include measures to reinstate land drainage mechanisms and drinking places for livestock, although neither of these farming benefits require the scale and shape of water body that has been dug. The scrape could provide some benefit to wildlife, through the additional water space provided. However, the design is less than optimal for nature conservation, for example by lacking the shallow fringes that might benefit wading birds, and so any such benefits are likely to be relatively small.
9. The scrape occupies a grazing marsh adjacent to a Natura 2000 site covered by overlaying designations providing protection through the Conservation of Habitats and Species Regulations 2017 (the Habitats Regulations). As a flight pond, and by potentially focusing and intensifying wildfowling in this location, the scrape could likely have, indirectly, a significant effect on the adjacent Special Protection Area, through shooting disturbing wintering wildfowl. However, reaching a firm conclusion on this matter would require more information than is provided with this appeal. As competent authority under the Habitats Regulations, it would also require me to seek further advice from Natural England.
10. In this case, there is not the need to reach a conclusion as to whether or not this development satisfies the Habitats Regulations. This is because the farming and possible nature conservation benefits identified would not amount to material considerations of such weight as to indicate my decision be made otherwise than in accordance with the development plan, with which clear conflict is found.

Conclusion

11. For the reasons set out above, having taken into account all other matters raised, I therefore conclude that the appeal should be dismissed.

Jonathan Price

Inspector

¹ Local Plan for the Broads 2015-2036 adopted 17 May 2019.