



Appeal Decision

Inquiry (virtual) held 27-30 April 2021

Site visit made on 3 May 2021

by Guy Davies BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 1st June 2021

Appeal Ref: APP/F2605/W/20/3265479

Land at Brandon Road, Weeting, Norfolk IP27 0PT

- 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 Dignity Funerals Ltd against the decision of Breckland Council.
 - The application Ref 3PL/2019/0189/F, dated 13 February 2019, was refused by notice dated 23 June 2020.
 - The development proposed is for a crematorium including memorial gardens, car parking, a new vehicle access onto Peppers High Hill and ancillary works.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The road along the northern boundary of the site has been confirmed by the Council as being named Peppers High Hill rather than Harling Drove. I have amended the description accordingly. The development also proposes a new access on to Mundford Road.
3. An environmental impact assessment has been carried out because the development is considered to fall within Schedule 2 (11b) of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 as an installation for the disposal of waste. Additional information was received and publicised as part of the appeal. I comment on the revised environmental statement under other matters.

Main Issues

4. The main issues are:
 - whether the proposed development would be consistent with spatial policies in the development plan relating to the location of new development;
 - whether there is a need for the development in the proposed location; and
 - the effect on landscape.

Reasons

Location

5. The site lies outside the settlement boundary of Weeting as defined on the Policy Map for the Breckland Local Plan 2019. Outside settlement boundaries Policy GEN05 restricts development in recognition of the intrinsic character and beauty of the countryside. The policy says that development will only be acceptable where it is compliant with all relevant policies set out in the development plan.
6. Policies which have been drawn to my attention as relevant because they support or oppose the proposal are Policy EC04 relating to employment outside general employment areas, Policy ENV05 relating to the protection and enhancement of the landscape, Policies GEN02 and COM01 relating to design including integration with local character, and Policy COM04 relating to community facilities. Other policies in the Local Plan, including those relating to trees and hedgerows, heritage assets, flood risk and ecology deal with matters that are not in dispute.
7. The proposed development gains support from Policies EC04 and COM04 in that it would provide an additional community facility that would enhance the existing crematoria offer and benefit the local economy through its operation and the employment of staff.
8. It is also relevant that crematoria are required to comply with locational restrictions arising from the Crematorium Act 1902. The Act requires new crematoria to be located at least 200 yards (183m) from the nearest residential dwelling (unless expressly agreed otherwise) and 50 yards (46m) from a road. Further guidance on the siting and location of crematoria is given in Government and industry guidance¹. Such restrictions mean that locations within existing employment areas or settlement boundaries are often difficult to achieve.
9. Notwithstanding these restrictions, the location of the site outside a settlement boundary would not be consistent with the spatial strategy of the Council in directing new development to settlements and protecting the countryside for its own sake. There is also the matter of its impact on the landscape, which I assess in detail later.
10. The appellant has argued that the policies in the Local Plan do not require a need for the crematorium to be demonstrated. A needs assessment is not a requirement of any of the policies listed above. However, paragraph 84 of the National Planning Policy Framework (the 'Framework') says that decisions should recognise that sites to meet local business and community *needs* (my emphasis) in rural areas may have to be found adjacent to or beyond existing settlements, and criteria relevant to the provision of social, recreational and cultural facilities and services the community *needs* is set out in paragraph 92 of the Framework. Having regard to this national policy advice, I consider that need is material to the question of whether the location of the crematorium outside a settlement boundary is justified, where it is contrary to the spatial strategy of the Local Plan.
11. My conclusion on whether the location of the proposal is appropriate and complies with Policy GEN05 therefore rests on my assessment of the issues of

¹ Department of Environment: the siting and planning of crematoria, April 1978 and Federation of Burial and Cremation Authorities: recommendations on the establishment of crematoria, 2019.

landscape impact and need, and their relative weight. I return to the issue of conflict with the development plan in my planning balance and conclusion.

Need

12. In assessing the need for a new crematorium, the main parties presented different methodologies arriving at very different conclusions.
13. The appellant based its assessment of core hour (or factored) capacity on the existing service frequency² of crematoria in the area³ with core hours being between 1000-1600, while the Council used a notional service frequency of 45 minutes for all crematoria with core hours of 1030-1500. Both parties used 80% of core hour capacity to be a reasonable measure of practical capacity taking into account the difficulties in arranging cremations continuously during core hours. The appellant used this threshold to compare core hour capacity to the number of cremations in the average peak month whereas the Council based their assessment on the number of cremations in the average month.
14. For the purposes of determining need, I consider it reasonable to assess the maximum practical capacity of existing crematoria and compare that to existing and projected demand for cremations. The Institute of Cemetery and Crematorium Management's document 'Charter for the Bereaved' sets out an objective for a minimum service time of 40 to 45 minutes to allow funerals to arrive and depart without seeing other funerals, and avoid delay because of the late arrival of other funerals. While the appellant intends to offer 1 hour services, as currently do 3 of the 4 nearest crematoria, this length of service is not included as a right or objective of the Institute, nor is it necessary to achieve a service with sufficient time to allow different funerals to arrive and depart. I consider a service time of 45 minutes is therefore a reasonable assumption to make when assessing capacity. Where exceptionally a funeral party wishes to hold a longer service that could be arranged on case-by-case basis, dependent on available time. Such a practice would meet the charter right to book extended time if required but would not be necessary in most cases.
15. The assessment of practical capacity based on 80% of core hour capacity is a measure used by both main parties in this appeal, as well as being accepted in other appeal decisions⁴. Applying it to the average month would provide flexibility in available core capacity for the majority of each year. It would only be the peak months that funerals would approach, or in rare instances exceed, 100% of core hour capacity. While that might give rise to some delay in booking a service in peak months, there would remain flexibility through the use of non-core hours and weekends, which make up almost half of a crematorium's potential capacity, and which could be used to mitigate such demand. The alternative approach of applying a threshold of 80% of core hour capacity to the average peak month would ensure the ready availability of services even during peak periods but would mean a large part of the capacity of crematoria being underused for the remainder of the year. That does not appear to me to be an efficient or effective use of such resources.

² Service frequency includes both the service and also time for mourners to arrive and depart from the chapel.

³ All of which use a service frequency of 1 hour apart from Kings Lynn which uses 45 minutes.

⁴ For example APP/R2520/W/19/3236497

16. For the reasons given above, I prefer the assessment of capacity as advanced by the Council. Using that analysis, existing crematoria serving the area around Weeting fall below practical capacity other than for King's Lynn, and collectively they would be below practical capacity. Taking into account likely changes in future demand from an increase in population and an increase in the death rate, counteracted to an extent by the growth in direct cremations, the practical capacity of existing crematoria would remain below 80% of core hour capacity other than for King's Lynn, even by the end of the Plan period in 2036, as would the collective practical capacity.
17. The Council's analysis does not take account of any increase in cremations as a proportion of burials. It also includes the crematorium at Cambridge, which does not serve any of the natural catchment area around Weeting or that which might be served by the proposed facility. However, even if these matters are taken into account, the forecast capacity for the crematoria around Weeting in 2036 would still only approach or be marginally greater than their collective practical capacity. Given the imponderables in this forecast, I consider predictions of demand need to be treated with caution and I place only limited weight on predictions of demand towards the end of the plan period.
18. In addition to capacity, the need for crematoria is also driven by proximity. Almost all of the area around the appeal site lies outside a 30 minute cortege drive time (equivalent to approximately an 18 minute normal drive time) of any existing crematoria. The proposed development would bring a population of between 61,000-63,000 within a 30 minute cortege drive time of a crematorium for the first time. In addition to driving by motor car, the site would also be within walking distance of a train station and accessible by bus.
19. I acknowledge that minimising the distance travelled by mourners is of benefit in alleviating what is already a stressful experience. However, the figure of 30 minutes cortege drive time is only a 'rule of thumb' and is not included in any policy or charter objective. Both parties refer to a National Crematorium Survey by Westerleigh, which found that 56% of respondents would suffer additional anxiety and distress on the day of the funeral if they had to travel more than 30 minutes to the crematorium. On the other hand, the survey also found 44% would not be affected at all by longer travel or would actually benefit by feeling calmer and having time to think. Other attitudinal evidence on travel time is limited. Correspondence referring to journey times to Scoulton/Breckland⁵ is dated and the situation has now changed with the construction of the crematorium there.
20. In the case of Weeting existing crematoria are available within 45 minutes (Bury St Edmunds) and 50 minutes (Scoulton/Breckland) cortege drive times. While this is longer than the 30 minutes cortege drive time rule of thumb, I do not consider it to be excessive or for there to be clear evidence that it would cause distress. I reach that view having regard to this part of Norfolk being rural in character, and its population likely to be used to longer journey times to reach higher order facilities and services.
21. I conclude that in terms of capacity there is no need for a crematorium at Weeting. In terms of proximity, the proposed facility would reduce travel time to a crematorium for a significant number of people, which would be of benefit. However, alternative crematoria are available within what I consider to be a

⁵ Included in Appendix 2 of the rebuttal statement by Stephen Bucknall.

reasonable cortege drive time, having regard to the rural character of the area and lack of evidence to indicate the additional drive time would be unacceptably stressful. Overall, I assess the need for the proposed crematorium at Weeting to be limited.

Landscape

22. There are four published landscape character assessments for the area, the most fine-grained of which is the Breckland District Settlement Fringe Landscape Assessment 2007⁶. This identifies the area containing the appeal site as being defined by large scale blocks of mixed plantation woodland interspersed with mixed farmland. Thetford Forest lies to the east. The assessment considers overall sensitivity to change within the landscape to be moderate-high.
23. The site occupies the north western corner of an arable field which is bounded to the north by a woodland shaw and to the east, west and south by hedges of varying quality. The land is surrounded by similar agricultural fields in either arable or pastoral use interspersed with occasional blocks of woodland. Visible to the east on the other side of Mundford Road are extensive conifer and broadleaf plantations forming part of Thetford Forest. The nearest settlement is Weeting, which begins to the north west of the site with a small estate of bungalows. The larger settlement of Brandon lies further to the south, with its northern edge visible across the intervening fields.
24. Although not defined as a valued landscape in terms of any national or local designation, the site is characteristic of the landscape of which it forms part. As such, it reinforces the landscape character here and consequently contributes towards the intrinsic character and beauty of the surrounding area and the wider landscape.
25. The proposed development would interrupt the open, agricultural character of the site by introducing a large new building, surface carpark and driveway. A new junction and section of road would be formed onto Mundford Road, and Peppers High Hill would be partly widened. In addition to the built elements, the grounds around the crematorium and chapel would be landscaped with walkways and ornamental planting to form a memorial garden. In my view, the building, hard surfacing, the presence of cars and the ornamental planting proposed would stand out and would appear out of place among the surrounding fields and woodlands. Overall, the combination of these elements would lead to an urbanisation of the site, reducing its contribution to the undeveloped agricultural character of the surrounding countryside.
26. The landscaping scheme accompanying the proposal includes extensive planting of native species around the boundary of the site and the new access onto Mundford Road, reinforcing the trees and hedges that already exist. I acknowledge that after a period of years this landscape planting would provide a degree of containment, screening the site from surrounding viewpoints. It would also improve areas of 'gappy' hedging, particularly along Mundford Road and at the junction of Brandon Road with Peppers High Hill. Some of this planting would be on land outside the control of the appellant, for which agreement would have to be reached with the highway authority and other

⁶ The other assessments being the National Landscape Character Assessment 2015, the Norfolk and Suffolk Brecks Landscape Character Assessment 2013 and the Breckland District Landscape Character Assessment 2007.

landowners⁷. Even assuming agreement could be reached on that planting, the development and site area is of sufficient scale that glimpsed views of it would remain from the roads that border the site and in views along the vehicular and pedestrian access points into it. The planting would also not be able to mitigate the loss of the rural character of Peppers High Hill which would be engendered by its widening and partial realignment with a new junction onto Mundford Road.

27. In addition, the use of the site would generate a significant amount of new traffic. I accept that both Mundford Road and Brandon Road are well used and therefore traffic is already a feature of this part of the countryside. However, the volume of traffic entering and leaving the site would increase activity drawing further attention to the developed nature of the site.
28. I conclude that as a result of the built form, parking, ornamental planting, highway works and activity the development would significantly harm the open and undeveloped landscape characteristics of this part of the countryside. It would as a consequence conflict with Policies ENV05, GEN02 and COM01 of the Breckland Local Plan 2019, which seek to protect and enhance the intrinsic character and beauty of the countryside, and promote design that respects and is sensitive to the character of the surrounding area.

Other Matters

Heritage

29. The landscape is rich in heritage interest, including the scheduled monument of Pepper Hill Bowl Barrow on the opposite side of Peppers High Hill to the site. Assessments carried out by the appellant and Council at the time of the application concluded that the less than substantial harm caused to the barrow was outweighed by the benefits accruing from additional planting along the boundaries of the site, including the realigned Peppers High Hill. Historic England raised no objection to the scheme on the same grounds. A further assessment⁸ submitted as part of the appeal reached the same conclusion.
30. No part of the scheduled monument would be disturbed by the development, including the widening of Peppers High Hill as the barrow is set some distance from the highway. While the highway may be said to form part of the setting of the barrow, it is only marginally so as the barrow is screened from it by a hedge. The additional planting proposed as part of the scheme would further screen the site from the scheduled monument. I am satisfied that if any harm were to be caused to the setting of the barrow it would be less than substantial and would be mitigated by the additional planting. The benefit of the crematorium as a new community facility would also be a public benefit weighing in favour of the scheme. I conclude that in so far as it relates to the heritage asset, the development would accord with paragraph 196 of the Framework.

Ecology

31. The site lies close to the Breckland Special Protection Area, which is subject to the Conservation of Habitats and Species Regulations 2017 because it forms a

⁷ A contract has been secured for landscaping of land between Peppers High Hill and the new stretch of road, but a licence would still need to be obtained from the Highway Authority.

⁸ Appendix 7 to the proof of evidence of John Williams.

habitat for rare bird species. It also lies approximately 2km from the Breckland Special Area of Conservation, which protects other rare habitats. However, given my conclusion on the main issues there is no need for me to consider this matter any further.

Environmental Statement

32. The application was accompanied by an environmental statement as required by the Town and Country Planning (Environmental Impact Assessment) Regulations 2017. Additional information was submitted and publicised during the appeal pursuant to Regulation 25 of those Regulations. I am satisfied, having regard to all the information submitted, that the development would not have an adverse effect on the environment in respect of transport, air quality or operation subject to suitable mitigation where appropriate. I have addressed the impact of the development on the landscape as a main issue.

Planning Balance and Conclusion

33. The proposed development would cause harm to the landscape. It would as a result conflict with Policies ENV05, GEN02 and COM01 of the Breckland Local Plan 2019. I place significant weight on this conflict because of the moderate-high sensitivity of the landscape to change and the scale of the development. Because of the conflict with these policies, the development would also conflict with Policy GEN05 of the Breckland Local Plan 2019 relating to the spatial strategy of the Council, which directs development towards built up areas or designated sites and restricts development outside settlement boundaries in recognition of the intrinsic character and beauty of the countryside.
34. There would be social and economic benefits arising from a new crematorium in terms of its operation and employment of staff, as supported by Policies EC04 and COM04 of the Breckland Local Plan 2019. The proposed planting scheme would, when mature, also result in a net gain in the biodiversity value of the site. However, these benefits would be modest, and I give them only limited weight.
35. I recognise that restrictions on the location of crematoria make it difficult to find suitable sites within existing built up areas, and there are no designated sites for such a use in the Local Plan. For a new crematorium to be acceptable it would need to be justified by other material considerations, in particular that of need.
36. In this case I have found there to be no need for a new crematorium on the grounds of capacity. I have found there would be benefit in providing such a facility within closer proximity of a substantial number of people in and around Weeting. However, because other crematoria are accessible within a reasonable cortege drive time, I assess the overall need for a new crematorium in this location to be limited.
37. I conclude that the limited benefits associated with the proposed development would not outweigh the significant harm that would be caused to the landscape and the intrinsic character and beauty of the countryside. The development would as a consequence conflict with the development plan when taken as a whole. The other material considerations, including that of need, do not outweigh this conflict. I therefore conclude that the appeal should be dismissed.

Guy Davies

INSPECTOR

Appearances

FOR THE APPELLANT:

James Strachan QC, of Counsel. He called:

Stephen Kirkpatrick BSc BLC CMLI	Director, Scarp Landscape Architecture Ltd
Jonathan Best BSc MRTPI	Partner, Montagu Evans
John Williams BA (Hons) MRTPI	Director, PlanIT Planning and Development

FOR THE LOCAL PLANNING AUTHORITY:

Anjoli Foster, of Counsel. She called:

Peter Richards BA (Hons) Dip LA Dip UD CMLI	Director, Richards Partnership
Stephen Bucknall BA (Hons) MRICS	Associate, Impact Planning Services Ltd
Simon Wood BSc (Hons) BTP MRTPI	Director, Breckland Council

INTERESTED PARTY:

Mike Nairn	Chairman, Weeting Parish Council
------------	----------------------------------

Documents accepted during and after the Inquiry

1. Email from Julie Dunk, Chief Executive, Institute of Cemetery and Crematorium Management, dated 26 April 2021.
2. Copy of appeal decision APP/G2245/W/19/3243177 – Bluebell Cemetery, Watercroft Woods, Old London Road, Badgers Mount TN14 7AE.
3. Email from Mike Nairn, Chairman Weeting Parish Council, dated 28 April 2021.
4. Email from Jason Elliot, Spatial Information Manager, Breckland Council, dated 28 April 2021, confirming name of road as Peppers High Hill.
5. Department of Environment guidance: The Siting and Planning of Crematoria, April 1978.
6. Email from John Williams confirming pre-commencement conditions, dated 30 April 2021.
7. Copy of land purchase contract, dated 8 August 2017 and deed of variation, dated 1 May 2021, relating to land outside the application site required for landscaping.