



Appeal Decision

Site Visit made on 22 June 2021

by Graham Chamberlain BA(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15th July 2021

Appeal Ref: APP/K2610/W/20/3260052

Land off Church Lane, Guestwick, Norfolk NR20 5QJ

- 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 Mike Jones against the decision of Broadland District Council.
 - The application Ref 20200497, dated 12 March 2020, was refused by notice dated 11 June 2020.
 - The development proposed is described as a 'New Dwelling'.
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Decision

1. The appeal is allowed and planning permission is granted for a new dwelling at Land off Church Lane, Guestwick, Norfolk NR20 5QJ, in accordance with the terms of the application, Ref: 20200497, dated 12 March 2020, subject to the conditions set out in the attached schedule

Main Issues

2. The main issues in this appeal are:
 - Whether the appeal site is a suitable location for the proposed development, with reference to the spatial strategy in the development plan and the accessibility of services and facilities;
 - The effect of the proposed development on the character and appearance of the area;
 - The effect of the proposed development on the highway network and highway safety; and
 - Whether the proposal would preserve the setting of St. Peter's Church, which is Grade I listed and The Old Manse, which is Grade II listed.

Reasons

The spatial strategy and accessibility to services and facilities

3. In order to limit carbon emissions and thus assist in addressing climate change, Policy 1 of the JCS¹ sets out a strategic objective of minimising the need to travel. Policy 6 of the JCS builds on this by stating that the transportation strategy will be achieved by concentrating development close to essential services and facilities to encourage walking and cycling as the primary means of travel, with public transport for wider access.

¹ Greater Norwich Development Partnership Joint Core Strategy for Broadland, Norwich and South Norfolk adopted March 2011, amendments adopted January 2014

4. Policy GC2 of the Development Management Development Plan Document 2015 (DPD) flows from the strategic policies of the JCS. It has the stated aim of identifying land to achieve the housing targets in the JCS by expressing where the principle of development would be acceptable. It does this through settlement boundaries. The policy states that new development will be accommodated within the defined settlement limits of villages, but outside these limits it will only be permitted if it does not result in significant adverse impacts *and* it accords with a specific allocation or policy in the plan.
5. Guestwick is a very small village located in a rural area. The services available are few in range and include a church and open space. The nearest settlements with a collection of services and facilities are Foulsham and Reepham, but they are around 2.7 miles and 4 miles away respectively. This is beyond a comfortable walk and cycling cannot be relied upon because future occupants may not have the fitness, proficiency or confidence to use a bike. Public transport is very limited, with a bus service only every Monday and Thursday.
6. The appeal site is therefore in a location remote from everyday services and facilities. The consequence of this is that future occupants would be reliant on private motorised transport. Car journeys could be short, but they would soon add up over the life of the development, with the associated carbon emissions. Moreover, future occupants would not glean the health benefits from regularly accessing services and facilities by more sustainable means of transport such as walking.
7. Accordingly, Guestwick has no settlement boundary because residential development here would be at odds with the sustainable transport objectives in Policies 1 and 6 of the JCS. The appeal scheme would therefore be outside a settlement boundary. Nothing of substance is before me to demonstrate the appeal scheme would accord with a specific allocation or policy concerned with the principle of residential development outside of settlement boundaries, such as the conversion of a building or a home for a rural worker. The proposal is therefore at odds with Policy GC2 regardless of whether it would result in significant adverse impacts.
8. It therefore follows that the proposal would be at odds with, and harmfully undermine, the adopted spatial strategy for housing in the development plan and the public interest in having a planning system that is genuinely plan led.

The effect on the character and appearance of the area

9. Guestwick is a dispersed rural settlement and many of the properties are set in large plots with large gaps in-between. This is a historic and long-standing pattern of development that affords a pleasant, spacious, and verdant character to the village. I therefore share the view of the Council that infilling could harm this character if done intensively and insensitively.
10. The appeal site encompasses a very large and verdant plot enclosed by hedging and trees. There is an existing established access to a large and unsightly concrete hard standing. The site is viewed within the context of two large detached dwellings called The Old Manse and The Gables. The spacious, verdant, and dispersed character of the settlement is therefore evident at the appeal site and its immediate environs.

11. The proposed dwelling would be set back from Church Lane and positioned well in from the other site boundaries. The building would be subservient in size to nearby properties and would retain a recessive presence in the plot, which would be spaciouly sized and similar in extent to those nearby. In addition, the plot would retain a verdant landscaped appearance because no hedging or trees would be removed. The preservation of boundary landscaping would also soften the development and afford it a sense of maturity.
12. The removal of the unsightly concrete is likely to result in a larger area of greenery than already exists, although the outcome would be a new building where there is not one currently. That said, the building would be some considerable way off filling the site and would appear as a natural addition to the locality as a result. The spacious, verdant and dispersed character of the village would be preserved. In addition, and save for the vertical cedar cladding, the barn style aesthetic would be borne out of the landscape and local vernacular. This would assist in integrating the building with its wider context.
13. In conclusion, the proposal would not harm the character or appearance of the area and therefore it would adhere to Policies 1 and 2 of the JCS and Policy GC4 of the DPD.

The effect on the highway network and highway safety

14. Being within a rural area, the appeal site is accessed from a network of small country lanes, some of which are narrow single-track routes flanked by banks, ditches or narrow verges. In some locations there are few passing places and the winding nature of the road means forward visibility can be restricted. As a result, it is difficult for two cars to pass in some locations. That said, the area is apparently quiet and sparsely populated and therefore such occurrences would likely be infrequent.
15. The appeal scheme would add only a handful of additional daily vehicle movements into the highway network and therefore the risk of collision and verge erosion would not markedly increase. Substantive evidence is not before me to demonstrate that muddy roads and verge erosion are local problems that vehicle movements associated with an additional single dwelling would meaningfully exacerbate. As a result, there would not be a severe impact to the highway network.
16. There is good forward visibility along Church Lane so pedestrian safety would not be harmed by what is likely to be slow moving traffic entering this narrow lane. A passing place is proposed to ensure vehicles and pedestrians can use the road at the same time.
17. However, visibility at the Church Lane and Wood Dalling Road junction is restricted to the north and south by overgrown foliage and a low bank. Adequate visibility to the north could be secured by ensuring the hedge along the eastern boundary of the appeal site is maintained so as not to encroach into the splay. This hedge is in the appellant's control and a planning condition can therefore be imposed to secure this.
18. Visibility to the south is more problematic because the bank is part of the churchyard and not in the control of the appellant. As a result, neither a 59m nor a reduced 43m splay would be possible at the desired height above ground. The standards are derived from Manual for Streets, but the extent of the splay

should be established by the site context and risk rather than simply applying a generic standard inflexibly.

19. In this instance, the Church Lane junction is already in use with the road providing access to The Old Manse and the appeal site, the latter having an historic long-standing access. There is also a third access opposite the appeal site, but it is unclear if this is lawful. There are no records of any accidents at the Church Lane/Wood Dalling Road junction despite it being in daily use. This is unsurprising as vehicle speeds in the vicinity of the junction are likely to be low despite the speed limit because of the narrow nature of the road and the proximity of both the bend beyond the Church and the Reepham Road Junction. Implementing the proposal could see the use of the junction double, but this would only be around six extra movements a day.
20. Furthermore, it is possible to observe the upper portion of a vehicle approaching from the south when edging out of the junction. This is despite the bank, and therefore exiting motorists would likely be aware of vehicles and cyclists in the road. There is nothing to suggest the ability to see pedestrians would be inadequate. Wood Dalling Road is also lightly trafficked and has reasonable forward visibility. As a result, the likelihood of two vehicles meeting is low, and if they did then the motorists would probably see the other vehicle in time to react. It is also likely that motorists would be taking extra care because of the road environment.
21. Thus, the modest intensification in the use of the Church Lane/Wood Dalling Road Junction would result in a very low risk of collision. It would not result in a significant adverse impact to highway safety. As a result, there would be no conflict with Policy TS3 of the DPD, which only permits development where a significant adverse impact on highway safety would not occur.

Whether the proposal would preserve the setting of the Grade I listed St Peter's Church and the Grade II listed building known as The Old Manse

22. St. Peter's Church is a very old structure with the tower dating from around 1100. There have been later alterations in the 15th, 16th and 17th Centuries. The building is therefore of considerable architectural interest and this is best experienced at close range from the church yard or in views from Church Lane, Wood Dalling Road and Reepham Road.
23. Historic mapping (from 1840) demonstrates that the Church once stood in a reasonably isolated location with an open northerly aspect. Understanding its rural siting and setting adds to its historic significance as well as providing an aesthetic value. Over time the setting of the Church has altered as additional buildings have been constructed. This includes The Gables and the former village school. In more recent times housing has been constructed along Old School Road and the barns at Church Farm have been developed. Nevertheless, the rural setting has endured and is very apparent.
24. The Council have not explained in any detail why it considers the appeal site contributes to the setting and experience of the Church. The Council have not suggested that the appeal site and Church had a historic connection. The appellant's Heritage Impact Assessment suggests that the building is experienced in a rural landscape and I share this view. The appeal site is part of that rural hinterland and is therefore in the setting of the Church. However,

there is very limited intervisibility due to the distance and intervening landscaping.

25. The appeal scheme would be set away from the Church and would have a recessive scale. The position back from Church Lane and the converted barn style would give the building a discrete presence and rural appearance. This would be aided by the retention of existing landscaping and the use of vernacular materials such as flint, boarding and red brick. The building would not be stark in views of the Church from Reepham Road. The Church would still be experienced in something approaching the isolated rural context evident on the 1840 tithe map. The proposed dwelling would not be especially apparent in views looking out from the Church due to the dense planting. I am therefore satisfied that the appeal scheme would preserve the rural setting and significance of the Church.
26. The Old Manse dates from around 1721 and derives much of its architectural and aesthetic value from its fine early 18th Century architecture, especially the balanced elevations. This is best appreciated from close range, including a view from the appeal site. The building also has historic interest as one of the earlier structures in the settlement and through its historic links to the Congregational Chapel to the north. There does not appear to be an important spatial link between the Old Manse and the appeal site save for it perhaps being former glebe land. The 1840 and 1885 maps suggest the appeal site was part of a field sandwiched between The Old Manse and the Vicarage (now The Gables). The 1988 aerial photograph shows the appeal site as part of a small 'L' shaped field that included agricultural buildings. The site does not appear to have been part of the grounds of The Old Manse.
27. The appeal scheme would result in a new building being inserted between The Gables and The Old Manse, but agricultural buildings were present in this location for some time and therefore this is not a historically undeveloped location. The new building would be subservient in scale and appearance to the Old Manse and would not meaningfully interrupt views of the building or hamper the ability to experience its values and interest. The building would be new, but it would not have a stark modern appearance due to the traditional converted barn style. Appropriate materials could be secured through a planning condition. In some ways the setting would be improved by removing the concrete hardstanding and the material stored upon it. It would be clear from its construction method and an assessment of historic maps that the building is new and consequently there would not be a false impression that the building was historic.
28. I therefore conclude that the proposed development would not harm the significance of the listed buildings. Their setting would be preserved. As a result, there would be no conflict with Policies 1 and 2 of the JCS, which seek to conserve the historic environment, or the expectations of s66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Other Matters

29. The Council has referred to a decision² relating to a site in the South Norfolk District Council area. Different policies and circumstances would be apparent and therefore this is a point of limited relevance and weight.

² APP/L2630/W/20/3255672

Planning Balance

30. The proposal would not harm the setting of designated heritage assets or the character and appearance of the area. The impact on highway safety would not be significant. However, it would be remote from services and facilities and therefore at odds with the spatial strategy in the development plan. A proposal should be determined in accordance with the development plan unless material considerations indicate otherwise.
31. The National Planning Policy Framework is not part of the development plan but is a material consideration. Paragraph 213 of the Framework states that due weight should be given to policies in the development plan according to their consistency with the policies in the Framework. Paragraph 78 of the Framework states that housing should be located where it will enhance or maintain rural communities and that planning policies should identify opportunities for villages to grow and thrive. Policies 1 and 6 of the JCS and GC2 of the GC2 effectively prevent housing at Guestwick, which is a discernible rural village community.
32. The Planning Practice Guide³ explains, in guidance that postdates the JCS and DPD, that a wide range of settlements can play a role in delivering sustainable development in rural areas and therefore blanket policies restricting housing development in some types of settlement will need to be supported by robust evidence of their appropriateness. It is unclear what robust evidence the Council is relying on or how it is ensuring a balanced approach between supporting rural communities and achieving sustainable transport objectives. For example, it is unclear whether Guestwick is especially 'unsustainable' in terms of access to services and facilities when compared to other settlements in the district.
33. However, the Framework should be read as a whole. Section 9 seeks to promote sustainable transport and Policies 1, 6 and GC2 help to secure this aim. The policies are therefore broadly consistent with this aim and are not out of date. That said, there is a qualification in Paragraph 103 that opportunities to maximise sustainable transport solutions will vary between urban and rural areas. This chimes with Paragraph 78 of the Framework, which states that development in one village may support services in a nearby village. Therefore, the Framework seems to support modest levels of housing in small discernible settlements even if there are limited services and facilities available. The development plan policies referred to work against this aim by providing no apparent mechanism for Guestwick to proportionately grow. Robust evidence supporting and justifying this approach is not before me. Thus, the development plan conflict attracts limited weight in the context of determining this appeal.
34. The proposed development would be a sensitive infill scheme that would not be isolated and would be compatible with the character and appearance of the area. It would also boost the supply of housing, albeit modestly and at a point in time when the Council suggest it has a five-year supply. Future occupants would support the vitality of the village, but the practical consequences of this have not been demonstrated. The building could be constructed by a self-builder but in the absence of a planning obligations securing this it is a matter of very limited weight. The Council do not dispute that the proposal would

³ Paragraph: 009 Reference ID: 67-009-20190722

involve the redevelopment of previously developed land and this is a matter that weighs in favour of the proposal. The proposal would also result in an unsightly concrete hard standing being removed.

35. Overall, the benefits would not be of a high order and would be quite modest. However, the conflict with the development plan attracts limited weight in this instance. The outcome of the appeal is therefore finely balanced. When all matters are considered in the round the benefits of the scheme would just about outweigh the harm that would occur from the conflict with the spatial strategy in the development plan. Thus, the Framework is a material consideration that indicates the proposal should be determined otherwise than in accordance with the development plan.

Conditions

36. I have had regard to the advice in the Planning Practice Guide and the conditions suggested by the Council. It is necessary in the interests of certainty and safeguarding the character and appearance of the area to ensure the proposal is undertaken in accordance with the approved drawings and that finishing materials are approved, and tree protection measures installed. In the interests of highway safety, it is necessary to impose those conditions recommended by the Local Highway Authority despite them not being included in the Council's list as the Local Planning Authority.

Conclusion

37. The proposed development would be contrary to the development plan as a whole. However, in this instance there are material considerations, principally the Framework, that suggest the proposal should be approved and the appeal determined otherwise than in accordance with the development plan. Accordingly, for the reasons given, the appeal has succeeded.

Graham Chamberlain
INSPECTOR

Schedule of Planning Conditions

1. The development to which this permission relates must be begun not later than three years beginning with the date on which this permission is granted.
2. The development hereby permitted shall be carried out in accordance with the application form and drawings listed below: Location Plan Drawing No. LP01 Site Layout & Outbuilding – Drawing No. SL02 The Proposals – Drawing No. PL03 Reason for the condition:
3. Notwithstanding the submitted details, the development shall not progress above slab level until details, including colours, of the materials used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority. The development shall then be constructed in accordance with the approved details.
4. The tree protection measures detailed in the Arboricultural Report produced by BH Trees and Woodland and dated 8th August 2019 (the 'report') shall be installed prior to development commencing beyond the removal of the existing concrete hard standing. The tree protection measures are to be maintained as specified in the report and adhered to throughout the construction period. No construction-related activities (for example: storage and/or siting of: vehicles, fuel, materials, site huts or other buildings or ancillary equipment; raising or lowering of ground levels; installation of underground services, drains; lighting of fires etc.) may be undertaken within the identified Construction Exclusion Zones and fenced areas. In the event that any tree(s) become damaged during construction, the Local Planning Authority shall be notified, and remedial action agreed and implemented. In the event that any tree(s) dies or is removed without the prior approval of the Local Planning Authority, it shall be replaced within the first available planting season, in accordance with details to be agreed with the Local Planning Authority.
5. Prior to the first occupation of the development hereby permitted the vehicular access crossing over the verge shall be constructed in accordance with a detailed scheme that has been approved in writing by the Local Planning Authority and thereafter retained at the position shown on the approved plan. Arrangement shall be made for surface water drainage to be intercepted and disposed of separately so that it does not discharge from or onto the highway.
6. Any access gates/bollard/chain/other means of obstruction shall be hung to open inwards, set back, and thereafter retained a minimum distance of 5 metres from the near channel edge of the adjacent carriageway. Any sidewalls/fences/hedges adjacent to the access shall be splayed at an angle of 45 degrees from each of the outside gateposts to the front boundary of the site.
7. Prior to the first occupation of the development hereby permitted visibility splays measuring 2.4 metres x 43 metres shall be provided to each side of the

- site access where it meets the near edge of the adjacent highway carriageway. The splays shall thereafter be maintained at all times free from any obstruction exceeding 1.05 metres above the level of the adjacent highway carriageway.
8. Prior to the first occupation of the development hereby permitted a visibility splay measuring 2.4 metres x 59 metres shall be provided to the north side of the junction of Church Lane where it meets the near edge of the carriageway of Wood Dalling Road. The splay shall thereafter be maintained at all times free from any obstruction exceeding 1.05 metres above the level of the adjacent highway carriageway.
 9. Prior to the first occupation of the development hereby permitted the proposed access, on-site car parking and turning area shall be laid out, demarcated, levelled, surfaced and drained in accordance with the approved plan and retained thereafter available for that specific use.
 10. Notwithstanding the details indicated on the submitted drawings no works above slab level shall commence on site unless otherwise agreed in writing until detailed drawings for the highway improvement works (passing place on Church Lane) as indicated on Drawing N^o SL02 has been submitted to and approved in writing by the Local Planning Authority.
 11. Prior to the first occupation of the development hereby permitted the off-site highway improvement works referred to in Condition (vi) shall be completed to the written satisfaction of the Local Planning Authority.