



Appeal Decision

Hearing Held on 14 and 15 October 2021

Site Visit made on 15 October 2021

by Paul Thompson DipTRP MAUD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 November 2021

Appeal Ref: APP/Y2620/W/20/3256225

Land at Mill Road, Briston, Norfolk NR24 2JD

- 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 David O'Connor against the decision of North Norfolk District Council.
 - The application Ref PF/19/1567, dated 13 September 2019, was refused by notice dated 17 January 2020.
 - The development proposed is Change of land for the siting of caravans for residential use.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The description of development included in the banner heading above is that which was agreed by the main parties in the Statement of Common Ground.
3. The proposed development was refused by the Council for six reasons. The appellant's appeal documents included a revised plan (reference 19_1016_003 Revision C), an Ecological Impact Assessment Report, a Flood Risk Assessment (FRA), and a separate statement on highway matters. I have accepted the documents as part of the appeal as they were predominantly submitted initially with the appeal, thereby allowing other parties to comment on their content; and, in the case of the revised plan and FRA, they do not change the nature of the proposed development before me, so I do not consider that interested parties would be prejudiced if I were to consider these documents and the proposed site layout. The Council has confirmed that the additional documents overcome the third, fourth, fifth and sixth reasons for refusal pertaining to priority and protected species, trees, flood risk, and safe and suitable means of access. I have therefore confined my assessment of this appeal scheme to the remaining two reasons for refusal.
4. The National Planning Policy Framework was revised on 20 July 2021 (the Framework). The main parties have had opportunity to comment on any relevant revised content, which I have had regard to in my decision.

Main Issues

5. The main issues are whether the appeal site would be a suitable location for the proposed development with reference to the spatial strategy in the development plan, and its accessibility to local services and facilities; and the

effect of the proposed development on the character and appearance of the site and its surroundings, including the rural setting and landscape characteristics of the village and the surrounding countryside.

Reasons

Spatial strategy

6. The appeal site concerns a roughly rectangular paddock of land situated to the northern side of Mill Road, at the eastern extent of the village of Briston. It is outside the settlement boundary as defined by the Council's Core Strategy¹ and is therefore categorised as countryside.
7. Given that the proposed use of the site would be for the siting of residential caravans, it would not meet any of the criteria for development permitted within the countryside, as expressed in Policies SS1 and SS2 of the Council's Core Strategy. I therefore conclude that the appeal site would not be a suitable location for the proposed development with reference to the spatial strategy in the development plan.

Accessibility

8. Briston and the adjoining village of Melton Constable are grouped together to form one Service Village under Policy SS1 of the Council's Core Strategy. They are served by a good range of services and facilities and those situated in Briston are dispersed throughout the village.
9. It is not unusual for there to be no dedicated footways or streetlighting in villages and parts of Briston are no different. I note that the Inspector for the appeal at Reepham Road² found that it would not be a suitable route for pedestrians or cyclists. Based on the evidence before me in this case, I am able to take an opposing view for Mill Road. Moreover, the appellant's *Hearing Statement on Highway Matters* demonstrates that Mill Road is a lightly trafficked route and the 85th percentile speeds are significantly less than the speed limit. Despite its use by agricultural traffic, it is therefore unlikely that occupants of existing properties or of the appeal scheme would be discouraged from walking or cycling in the road to access services and facilities in Briston.
10. While the bus services available to and from the village are not frequent, they would still offer an alternative means of travel to higher order settlements with more services and facilities. This would therefore make a meaningful contribution toward discouraging future occupants of the development from travelling regularly by private motorised transport. In any event, I am mindful that some of the journeys from the site may be shorter, including to Holt, and the Framework suggests that opportunities to maximise sustainable transport solutions will vary between urban and rural areas, so a greater dependency on car use is expected in rural locations.
11. The appeal site is directly opposite houses that are situated within the settlement boundary of Briston, so the proposal could not be said to be isolated in the sense of the Braintree Judgement³. Furthermore, identical accessibility to local services and facilities would not undermine some of the intentions of

¹ North Norfolk Local Development Framework Core Strategy September 2008.

² Appeal Ref: APP/Y2620/W/20/3245559.

³ Braintree District Council v (1) Secretary of State for Communities and Local Government (2) Greyread Limited (3) Granville Developments Limited [2017] EWHC 2743 (Admin).

Policies SS1 and SS2, as set out in the supporting text to those policies. However, I have not given the supporting text the same force as the policy, as to do so would conflict with the policy itself, particularly as it contains a number of additional criteria not referred to in the policy text. Put simply, the supporting text does not trump the policies or compliance with them.

12. In light of the above, I conclude that the appeal site would be a suitable location for the proposed development with reference to its accessibility to local services and facilities, as expressed in paragraphs 79 and 105 of the Framework.

Character and appearance

13. The southern side of Mill Road is characterised by detached homes of varied scale and appearance, but they are generally set back from the road behind landscaped frontages. There are also properties arranged to either side of lanes perpendicular to Mill Road and some backland development between. To the northern side, the continuous frontage of development terminates shortly before Horseshoe Lane and thereafter development is more loosely spaced.
14. The Council's Landscape Character Assessment⁴ (NNLCA) is an adopted document so forms part of the development plan. It informs Policy EN2 of the Council's Core Strategy and provides detailed analysis of various character types within the District. The appeal site falls within the Tributary Farmland Landscape Character Type, which is differentiated from others as there is a greater presence of smaller fields around settlements. These are generally defined by hedges and other planting that have their origins in the prominence of smaller tenanted and owner-occupied landholdings around settlements.
15. The linear growth of Briston out beyond clusters of development towards its centre is typical of settlements in the character type and the definitive visual edge created by the housing, primarily to the south of Mill Road defines what is more urban and rural in character. This also aligns with the settlement boundary and countryside notations in the Council's Core Strategy. The site is planted at its perimeter with hedges and hedgerow trees, so it is also typical of fields and paddocks within the character type. Its undeveloped and landscaped qualities contribute positively to the character and appearance of the area, including the rural setting and landscape characteristics of the village and surrounding countryside.
16. At the Hearing the Council accepted that the proposal would only be likely to be experienced from public vantage points to the site's frontage with Mill Road and not from the surrounding rural landscape. The proposed caravans would also be relatively low in profile, have a similar appearance to nearby bungalows and would be situated on a site lower than the road. There are also homes further to the east and south, at the junction with Tithe Barn Lane and on High Road. Despite these factors, the proposal would be divorced from other development to the northern side of Mill Road and stand out as a distinctly urban form of development, that would fail to reflect the existing settlement pattern.
17. The appeal scheme includes measures to protect existing trees within the site and for planting to buffer zones to the south and east of the site. However, the proposed planting would be unlikely to have matured enough in its initial years

⁴ North Norfolk Landscape Character Assessment Supplementary Planning Document January 2021.

of development to soften the visual effect of the physical presence of the proposed development in its context. It would also take a significant amount of time for it to reflect the existing character of planting to the east and west of the site. Furthermore, although the effects of lighting within the site could be limited by planning condition, the presence of domestic paraphernalia and vehicles would still be likely to be a prominent feature of the development.

18. I appreciate that change does not, of itself, imply that harm should result, but I am mindful that the>NNLCA identifies that settlement expansion is a key force for change, particularly where it undermines the traditional settlement pattern. Having regard to the particular circumstances of this case, I find that the proposal would appear as a strident incursion that would be significantly harmful to the character and appearance of the area, particularly the settlement pattern, rural setting, and landscape characteristics of Briston and the surrounding countryside.
19. For the above reasons, I conclude that the proposed development would have a significantly harmful effect on the character and appearance of the site and its surroundings, including the rural setting and landscape characteristics of the village and the surrounding countryside. Hence, the proposal would be contrary to the design aims of Policies EN2 and EN4 of the Council's Core Strategy.
20. For similar reasons outlined in the second main issue, I have not found in relation to Policy SS2 of the Council's Core Strategy in respect of this main issue, as the policy does not refer to the visual impacts of development.

Planning Balance

21. The revised *Five Year Housing Land Supply Statement of Common Ground and Summary Positions* document, agreed at my request following the Hearing, sets out that the Council's most up to date published position is set out in its *Five Year Supply of Housing Land 2020 – 2025*⁵. The main parties also agreed that any current five-year housing land supply assessment undertaken prior to the end of October 2021 should consider the period 1st April 2021-31st March 2026. Given that the Council's position is well over a year old and not based on this period, it is likely that it would only be able to demonstrate somewhere between four- and five-years supply given the annual requirement and deliverable supply set out in the Council's position statement.
22. The Council cannot therefore currently demonstrate a five-year supply of deliverable housing sites, so the policies which are most important for determining the appeal are out-of-date. In such circumstances, permission should be granted, unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
23. The development plan for the area includes the Council's Core Strategy. Policy SS1 relates to the spatial strategy for North Norfolk and identifies that development, including housing, should be distributed in accordance with the settlement hierarchy. Both it and Policy SS2 refer to development outside of settlement boundaries and restrict the types of development that are appropriate there.

⁵ Published in April 2020.

24. In isolation of other considerations, the approach to the protection of the countryside and restriction of development in such locations would not be wholly aligned with the more flexible and balanced approach implicit in the objectives outlined in the Framework. However, this does not fundamentally undermine its continued relevance, particularly as the supporting text in paragraph 2.4.12 of the Council's Core Strategy sets out a clear rationale for needing to protect countryside areas. This differs only slightly from the aim in the Framework to recognise the intrinsic character and beauty of the countryside. There is therefore still a clear rationale for settlement boundaries in order to protect the countryside while focusing growth within designated settlements. In light of this I have regarded the underlying objectives of these policies, as being generally consistent with the Framework. Nevertheless, given that I have already referred to the extensive shortfall in the supply of housing in the District, conflict of the proposal with these policies would carry moderate weight.
25. While Policies EN2 and EN4 go beyond what is outlined in paragraph 174 of the Framework in respect of the protection of non-valued landscapes, they are generally consistent with the Framework in terms of its aim to achieve well-designed places. I therefore afford considerable weight to the conflict of the proposal with these policies.
26. The contribution made by the proposal to the supply of housing would be important due to the nature and extent of settlements in the District and because smaller sites make up a significant proportion of windfall sites in the District. Given these factors and the extent of the shortfall in the supply of housing in the District, I afford considerable weight to this benefit.
27. I appreciate that the development plan does not contain adopted policies that are specifically tailored to the provision of sites that enable the stationing of residential caravans, but the Council's housing policies could equally apply to such proposals. In this sense they would meet the statutory requirements of the Housing and Planning Act 2016.
28. At the Hearing the Council confirmed that the *Norfolk Caravans and Houseboats Accommodation Needs Assessment*⁶ is part of the evidence base for the Council's Emerging Local Plan, but has not yet been subject to the scrutiny expected through an Examination in Public. Furthermore, the appellant detailed that the assessment of need for residential pitches was based on the same principles used to establish need for Gypsy and Traveller pitches. Nevertheless, despite the population of District including a higher-than-average proportion of persons over 60 and assertions that residential caravans are popular to older people, the appellant did not provide any substantive evidence to demonstrate a specific need for the development. On this basis, I am only able to afford limited weight to the benefit of the provision of residential caravan pitches within the District.
29. Like other proposals for new residential accommodation, the appeal scheme may result in other accommodation becoming available. However, at the Hearing, the appellant accepted that this benefit could extend beyond the District, so the contribution to addressing housing pressures within North Norfolk could be limited. I therefore afford this benefit limited weight.

⁶ October 2017.

30. There would be short-term benefits to the local and wider economy from direct and indirect employment associated with construction and longer-term maintenance works. The proposal would also lead to some biodiversity enhancement of the site. However, given the nature and extent of the proposal these would only amount to limited benefits.
31. The proposed development would also be accessible to local services and facilities, and future occupants would be likely to support the vitality of the community through their use and expenditure. These would all constitute benefits in social and economic terms, but given the magnitude of the proposed development, they would be afforded moderate weight.
32. Further to matters of biodiversity referred to above, as I outlined in the section on Procedural Matters, there is agreement between the main parties that the proposal would not result in the loss of, or impact negatively on, important trees, subject to protection measures; it has been designed in such a way that it would not be at risk of flooding, subject to mitigation measures; and safe and suitable means of access can be secured. Given that these matters would be compliant with relevant policies of the development plan, they would neither weigh in favour or against the appeal scheme.
33. In terms of harm, the proposed development would not comply with development plan policies in respect of its location and it would be harmful to the character and appearance of the site and its surroundings.
34. In light of all of the above, the adverse impacts of granting permission identified would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole. As a result, the presumption in favour of sustainable development does not apply and the proposal should be determined in accordance with the development plan.
35. This leads me to an overall conclusion that the appeal scheme would not accord with the development plan, when considered as a whole.

Conclusion

36. The proposed development would be contrary to the development plan, when considered as a whole, and there are no other considerations which outweigh this finding, including the Framework. Accordingly, for the reasons given, I conclude that the appeal should not succeed.

Paul Thompson

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Mr Matthew Green	Green Planning Studio Ltd
Mr David O'Connor	Appellant

FOR THE LOCAL PLANNING AUTHORITY:

Mr Darryl Watson	Team Leader, Development Management
Mark Ashwell	Planning Policy Manager
Noel Doran	Solicitor

DOCUMENTS SUBMITTED AT THE HEARING:

Appeal Decision Ref: APP/Y2620/W/21/3268526 - The Stables, Bacton Road, North Walsham, NR28 0RA

Appeal Decision Ref: APP/Y2620/W/20/3248468 - Land off Beresford Road, Holt

DOCUMENTS SUBMITTED FOLLOWING THE HEARING:

Statement of Common Ground, Dated 18 October 2021.

Five Year Housing Land Supply Statement of Common Ground and Summary Positions, Dated 18 October 2021.