



Appeal Decision

Site visit made on 14 January 2022

by A.Graham BA(hons) MAued IHBC

an Inspector appointed by the Secretary of State

Decision date: 29 March 2022.

Appeal Ref: APP/L2630/W/21/3275473

Land Adjacent to Wayside, Pits Lane, Chedgrave, Norfolk

- 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 Miss Mirella McGee against the decision of South Norfolk Council.
 - The application Ref 2021/0372, dated 22 February 2021, was refused by notice dated 19 April 2021.
 - The proposed development is for erection of single storey dwelling.
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Decision

1. The appeal is allowed and planning permission is granted for erection of single storey dwelling on land adjacent Wayside, Pits Lane, Chedgrave, Norfolk under reference number 2021/0372 dated 22 February 2021 subject to the conditions set out in the schedule below.

Main Issues

2. The main issues are:
 - a) The impact of the proposal upon the character and appearance of the area including the effect of the proposal upon the setting and significance of the Chedgrave Conservation Area and the setting of the Grade I Listed Church of All Saints.
 - b) The acceptability of development and whether it is in a sustainable location outside of the defined settlement limits of Chedgrave.

Reasons

3. The appeal site bounds onto Pits Lane which skirts its way north to the junction of Hardley Road that appears to run on a higher ground in an east west direction. Pits Lane runs gently downhill into an area of open wet Broadland beyond the small bungalow of 'Wayside'. The appeal site is located immediately to the north of 'Wayside' and I saw on my site visit that it was currently an area of cleared land between the boundary of 'Wayside' and newly build bungalows associated with a recent planning approval on the site adjacent¹. Beyond the site to the east is another garden associated with another property to the rear of the plot.

¹ Planning application 18/1553 and associated Reserved Matters Application 2019/1950.

4. The existing new bungalows front onto this site and have a shared access road serving them from this direction. The appearance of the site is therefore one that is open and fronted onto by the newly created bungalows.
5. In assessing this appeal I consider that although Pits Lane is quintessentially rural to the south, beyond the bungalow 'Wayside' this character is now one of housing and suburban development, despite both of these sites being situated outside of the adopted Chedgrave Settlement Limits.
6. The appeal site therefore has the character of an open plot that is almost something akin to an area of front amenity space to the new bungalows. As such this reinforces the perception of the site being more related to its neighbouring new development rather than the countryside to the south of 'Wayside'.

Effect of the Proposal Upon the Character and Appearance of the area and the Historic Environment

7. In considering this appeal I consider that any impact upon the character and appearance of the area would be inter linked with any associated impact upon the historic environment. As such I am required by Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay 'special attention' to the desirability of preserving or enhancing the character or appearance of the conservation area. Section 66(1) of the same Act also requires 'Special Regard' to be paid to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. The Act is reflected in paragraph The Framework, which illustrates the positive contribution that heritage assets can make to the creation of sustainable and economically viable communities.
8. The Site is within a separate part² of the Chedgrave Conservation Area that has its focus around the Grade I Listed Church of All Saints. The appeal site is included within the conservation area boundary and is marked on the 1906-14 Ordnance Survey plan as being Allotment Gardens.
9. The church of All Saint's is a Grade I Listed building with Anglo Saxon origins and containing extant twelfth century fabric and details. It is of the highest grade listing and as such exhibits exemplary historic significance. I consider that the majority of the significance of the church is largely contained within the building's fabric as well as its physical prominence within the landscape and townscape.
10. The church is located upon an area of high ground and situated to the north of its churchyard which is near square in form but surrounded and softened by surrounding trees. The land upon which the church sits slopes, at some points, rather dramatically, to the north, south and east and this results in the church occupying a principal site within the area. Despite this prominence however, the church is not readily visible from many locations but there are important glimpses of it from several points along Pits Lane where the structure and tower can be seen over surrounding gardens and behind tree cover.
11. Similarly the views from the churchyard to the wider village are also relatively limited and even in winter I consider that there are few significant views from

² The Chedgrave Conservation Area consists of two separate parts and although forming the area as a whole the area around All Saints Church is not physically linked to the rest of the conservation area.

the churchyard itself that would contribute to the building's setting or relationship to its hinterland primarily due to the extent of tree cover around the site and in adjacent gardens.

12. Despite these lack of views I consider that the appeal site is within the setting of the church but, due largely to the recent development adjacent, any contribution of the site to this setting is now extremely limited. Although it technically represents an area of remaining open space within the conservation area, through the design of the adjacent site, the character of this site is more akin to frontage garden to the new bungalows than anything historically significant.
13. Further to this I saw on my site visit that there is little relationship between this site and the church or its associated churchyard. As mentioned above, although there are glimpses to and from this site most views are very well filtered by trees and other roof forms associated with buildings nearby.
14. Although I consider that Pits Lane is likely an old route in this area and has certain characteristics that would contribute to the character and appearance of the conservation area, I consider that the majority of this contribution is obtained through the narrowness, form and landscaping associated with the lane. I consider that the experience of moving from north to south is a transitional one from rural lowlands to well defined village character as one passes 'Wayside'. Therefore, despite this site being an area of retained open space, the overriding character of this part of Pits Lane is now one of housing.
15. In light of this I do not consider that there would be a harmful impact upon the setting or significance of the Grade I Listed All Saints Church through further development upon this site. Moreover, I consider that the contribution of this site to the character and appearance of the Chedgrave Conservation Area as a whole is further limited due to the past approvals on the adjoining parcel of land and the changes made to this site subsequently.
16. As such I do not consider that there is a conflict with Development Management Policies DM1.4 and DM3.8 which seek to encourage good design. I have also found no harm in relation to Policy DM 4.10 which seeks to protect the character and appearance of the historic environment. Therefore I consider that development of this site for a single storey dwelling would preserve the character or appearance of the conservation area and represent an appropriate design response to this site subject to the conditions outlined below.

The acceptability of development and whether it is in a sustainable location

17. The appeal site is located outside of the settlement boundaries of Chedgrave. As such Development Management Plan Policy DM1.3 restricts such development. The Council can also demonstrate in excess of a five year housing land supply and as such unless a proposal can meet a specific need identified within the Development Management Plan or Joint Core Strategy (JCS), (such as meeting a need for rural workers or being affordable housing), development within the countryside would be resisted.
18. The appellant contends that the relevant limit of settlement is out of date due to the past approval of five dwellings to the adjacent site. They also contend that the site is within a sustainable location being on the edge of Chedgrave in its role as a designated Key Service Centre.

19. My assessment above has concluded that this site does not anymore exhibit the rural characteristics that it once may have done. In light of this, the overall character and appearance of the site is not only one of suburban housing, but the character itself is one that has been somewhat 'domesticated' as a result. Even were this site to be left clear of development therefore, the fundamental rural character would fail to exist anymore nor would it be possible to return it to anything like its previous character.
20. As such, although Policy DM1.3 is unsupportive of development within the open countryside or outside of settlement boundaries, I consider that the conditions on and around the actual appeal site are now so different to those that the original settlement boundary was based upon that in this instance the Policy DM1.3 must be seen as having been superseded by events on the ground.
21. It is a matter of planning judgement as to whether a particular policy can be deemed to be out of date. In this case, despite Policy DM1.3 being over 5 years old, I do not consider it is out of date. The Council can demonstrate a housing land supply in excess of 5 years and I consider that the policy still has a valuable role to play that is relevant throughout the wider District as a whole. Furthermore it is up to date with the National Planning Policy Framework (The Framework).
22. Despite this, Paragraph 12 of The Framework states that where a planning application conflicts with an up-to-date development plan, permission should not usually be granted unless material considerations in a particular case indicate that the plan should not be followed.
23. In this case there is a conflict between Policy DM1.3 and the material conditions on the ground due largely to the past approvals that have so dramatically altered the character and appearance of this site, thereby having the effect of significantly diminishing its rural character. Therefore there is justification in this particular case to suggest that the Plan should not be followed in this regard.
24. I have already assessed the impact of the proposal upon the character and appearance of the area, including the impact upon the historic environment and I am satisfied that there would be no adverse effect upon the requirements of Policies DM.1.4 or DM3.8. I am also aware of the benefits that may arise through development here including the economic benefits of construction and the further wider economic benefits of allowing new housing within this designated key service centre of Chedgrave.
25. Environmentally too I consider that there are benefits from the construction of a dwelling here that would further reduce pressure upon future housing allocations farther into the countryside despite the availability of the five year housing land supply. I also consider that the location of this appeal site is ultimately a sustainable one within a reasonable walking distance of local facilities and amenities and clearly now within a village character area.
26. In light of this, and due to the lack of harm to both the character and appearance of the area and the historic environment, I consider that the material considerations relating to this particular site justify a departure from the development plan and that the benefits of the proposal outweigh the disbenefits.

Other Matters

27. Several neighbour comments relate to the impact of this proposal upon the local natural environment and highlight the importance of such habitats as the Chet Valley B-Line. Several representatives have also raised the issue over the removal of a hedge that once bounded this site and its impact upon local biodiversity.
28. In assessing this I give great weight to the importance of encouraging and preserving biodiversity and local environment conditions especially in light of Climate Change. Although there was no hedging to this site to be seen on my site visit I consider it very important to replenish what can be reinstated of such a natural feature that would not only benefit the biodiversity of the area, but would also enhance the historic character of Pits Lane.
29. I noticed on my site visit that a new boundary hedge had been planted and that Condition 10 as suggested by the Council would require any such planting to be maintained and, should it fail within ten year, to be replaced. Subject to this condition as well as other landscape conditions below I am satisfied that the overall biodiversity value of this site will be preserved

Conditions

30. I allow the appeal subject to the conditions below that all meet the tests as set out in the Planning Practice Guidance. I feel it reasonable to include most of the conditions suggested by the Council in their appeal statement. I have however omitted some of the highway conditions due to the fact that the proposed access road is already in existence thereby rendering these conditions unnecessary.

Conclusion

31. For the reasons above, taking into account all other matters raised, I allow the appeal subject to the conditions outlined below.

A Graham

INSPECTOR

Schedule of Conditions

1. The development hereby permitted must be begun before the expiry of THREE YEARS from the date of this decision.
2. The development hereby permitted shall be carried out in accordance with the application form, plans and drawings and other documents and details received as listed below: 2020116-01 Rev C Proposed Elevations, Floor Plans, Site Plans.
3. Development shall not progress above slab level until details, including colours where required, 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. Prior to the first occupation of each property of the development hereby approved the relevant means of access and respective on-site parking and turning shall be laid out, demarcated, levelled, surfaced and drained in accordance with the approved plan and retained thereafter available for that specific use.
5. No foul drainage from the development hereby approved shall be discharged other than to the main sewer. The foul water disposal shall be implemented prior to the first occupation and retained as such thereafter.
6. No development other than the works required for the laying of foundations shall begin until full details of the means of surface water drainage, have been submitted to and agreed in writing with the local planning authority. The details should include the results from percolation tests if appropriate and incorporate installation of water efficiency and water saving devices such as rain saver systems. The development shall be carried out in accordance with the agreed details prior to the first occupation and shall be retained as such thereafter. It should be noted that it is the applicants/developers/owners responsibility to ensure adequate drainage of the site so as not to adversely affect surrounding land, property or highway.
7. Development shall not proceed beyond slab level until a landscaping scheme has been submitted to and approved in writing by the Local Planning Authority.

The scheme shall indicate:

- 1) the species, number, size and position of new trees and shrubs at the time of their planting
- 2) all existing trees and hedgerows on the land, with details of any to be retained (which shall include details of species and canopy spread, root protection areas).
- 3) specification of materials for fences, walls and hard surfaces
- 4) details of any proposed alterations in existing ground levels and of the position of any proposed excavation or deposited materials
- 5) details of the location of all service trenches

The scheme as approved shall be carried out not later than the next available planting season following the commencement of development or such further period as the Local Planning Authority may allow in writing. If within a period of TEN YEARS from the date of planting any tree or plant or any tree or plant planted in replacement for it, is removed, uprooted or is destroyed or dies, [or becomes in the opinion of the Local Planning

Authority, seriously damaged or defective] another tree or plant of the same species and size as that originally planted shall be planted at the same place, unless the Local Planning Authority gives its written consent to any variation.

8. No fences, gates, walls or other means of enclosure as defined within Class A of Part 2 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order)(with or without modification) shall be carried out on the land unless an appropriate planning application is first submitted to and approved by the local planning authority.

9. In the event that contamination that was not previously identified is found at any time when carrying out the approved development, it must be reported in writing immediately to the Local Planning Authority. All development shall cease and shall not recommence until:

- 1) a report has been submitted and agreed in writing by the Local Planning Authority which includes results of an investigation and risk assessment together with proposed remediation scheme to deal with the risk identified and
- 2) the agreed remediation scheme has been carried out and a validation report demonstrating its effectiveness has been approved in writing by the Local Planning Authority.

10. The development hereby approved shall be designed and built to achieve a water consumption rate of no more than 105 litres/person/day. All required water conservation measures installed to achieve this rate shall be retained/upgraded to ensure the required water consumption rate is not exceeded for the lifetime of the development.

End of Schedule