



Appeal Decision

Site visit made on 15 November 2022

by C Harding BA(Hons) PGDipTRP PGCert MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 December 2022

Appeal Ref: APP/Y2620/W/21/3282107

Field near Fairview Barn, Brick Kiln Road, Trunch, Norfolk NR28 0PY

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission
 - The appeal is made by Mr Mike Pardon against North Norfolk District Council.
 - The application Ref PF/21/1561, is dated 03 June 2021.
 - The development proposed is new dwelling including tree planting scheme and wildlife pond.
-

Decision

1. The appeal is dismissed and planning permission for new dwelling including tree planting scheme and wildlife pond is refused.

Preliminary Matters

2. The appeal is made against the failure of the Council to give notice of its decision within the prescribed period. However, the Council has set out the reasons it would have refused planning permission had it determined the application. These reasons have framed my main issues, along with the appellant's case.
3. An application for costs had been made at the time the appeal was submitted but has since been withdrawn. Accordingly, I have not considered this matter further.
4. The evidence includes two unilateral undertakings, one of which was submitted during the appeal process. I will return to these below.

Main Issues

5. The main issues are:
 - Whether the appeal site is an appropriate location for the proposed development having regard to local and national policies and access to services and facilities; and
 - The effect of the proposed development upon the character and appearance of the area, including the setting of the Norfolk Coast Area of Outstanding Natural Beauty ('the AONB'), and;
 - Whether a fallback position would exist that would outweigh any harm in respect of the development.

Reasons

Location of new housing development

6. The appeal site is situated to the northeast of Trunch, and currently comprises an agricultural field located to the south of a narrow country road. Policy SS1 of the North Norfolk Local Development Framework Core Strategy ('the Core Strategy') defines the countryside as areas outside of listed settlements, and states that within the countryside new development will be restricted to particular types. Trunch is not identified within the list of settlements contained within Core Strategy Policy SS1, and consequently, the site lies within a countryside location.
7. Core Strategy Policy SS2 states that new development in the countryside, other than that identified in a list of exceptions will not be permitted. The list of exceptions does not include new market dwellings, such as that proposed.
8. The approach of Core Strategy Policies SS1 and SS2 are broadly consistent with the Framework, as they seek to direct new development to those locations that are most suitable in terms of access to services and facilities, and identify opportunities for villages to grow and thrive, especially where this will support local services. Overall, I consider that these policies are broadly consistent with Paragraph 79 of the Framework. This aligns with the findings reached by previous Inspectors¹, and there is no evidence before me that would lead me to a differing conclusion.
9. Facilities and services in Trunch are limited, but include a social club, shop, pub and church. However, it is likely that most day-to-day needs of residents are met in other, better served settlements. Access to those services that do exist within the village would require a journey along a narrow country road without lighting or a footway. Whilst such a journey would not be onerous by bicycle, I consider it unlikely that this would represent an attractive walking route, particularly at night or in adverse weather. I also understand that Trunch is served by a local bus service which provides an hourly service during the day, however I have not been provided with any details of the route of this service, including the settlements that are served. Overall, I consider that the site is poorly located with regards to access to services and facilities, and it is likely that future occupiers of the proposed development would have a significant level of reliance on the private car.
10. Accordingly, the proposed development would not be appropriately located and would have poor access to services and facilities. It would therefore fail to be consistent with local and national policies for relating to the location of new housing development, contrary to Core Strategy Policies SS1 and SS2, as well as the Framework.

Character and Appearance

11. The appeal site is within the Tributary Farmland Character Type, as identified within the North Norfolk Landscape Character Assessment 2021 (NNLCA). Tributary Farmland is characterised by generally open and undulating rural farmland interspersed with diverse minor settlements. To the north and east is open countryside, with limited residential development adjoining the north-western corner of the site. To the west lies Rookery Farm, with an agricultural

¹ APP/Y2620/W/21/3278757 & APP/Y2620/W/21/3276085

building adjoining the site. Located to the south is the northern extent of Trunch itself. Overall, by comprising a gently sloping, open, arable field, the appeal site reflects the characteristics of the landscape character area within which it sits, and therefore positively contributes to this character.

12. Existing development in the eastern part of Trunch is generally focused around Mundesley Rd, to the south of the appeal site. Whilst some of this development is set back from the road, there is clear visual separation between this developed area, and the small cluster of development to the north and west of the appeal site at Rookery Farm and neighbouring properties. Beyond the eastern boundary of the site lies the AONB.
13. The proposed development would comprise a substantial residential dwelling located in a broadly central position within the appeal site, poorly related to existing groupings of buildings, by being clearly separated from existing development which adjoins the site. By introducing physical development into the visual gap that currently exists, the proposal would extend the village envelope into open countryside in both physical and visual terms, eroding the strong rural character and field patterns of this part of the countryside.
14. Furthermore, as the appeal site is currently an open field, it also functions as a visual buffer between Trunch and the AONB. Key qualities of the AONB include a sense of remoteness, tranquillity, and wildness. By introducing the proposed development centrally within this space, the value of the site as a visual buffer would be significantly reduced, to the detriment of the setting of the AONB and its key qualities. This would be exacerbated by the overall size of the site, which would ultimately lead to a single dwelling with a significantly sized garden, resulting in an extensive area of domestic character being created.
15. The proposal includes a landscaping scheme incorporating tree planting, hedgerow infill and ponds. Whilst this would have the potential to partially screen the proposed development, it is likely that such screening would take several years to establish and become effective. Furthermore, once established, this planting would fundamentally change the character of the site from an open field, and consequently would not overcome the harm to the setting of the AONB and the wider landscape character that would occur.
16. There is an existing agricultural building at Rookery Farm which is situated immediately adjacent to the boundary of the appeal site and is within the control of the appellant. I am aware that both prior approval and planning permission have been granted for the conversion of this building for residential purposes and remain extant. Therefore, with regards to the requirement within Core Strategy Policy EN1 and having established that the proposed development would have an adverse effect on the setting of the AONB, it has not been demonstrated that the proposed development could not be located at another, less harmful location.
17. Accordingly, the proposals would harm the character and appearance of the area, including the setting of the Norfolk Coast Area of Outstanding Natural Beauty.
18. It would therefore be contrary to Core Strategy Policy EN1, EN2 and EN4. Together, and amongst other criteria, these policies require new development to not detract from the special qualities of the AONB, to protect, preserve and where possible enhance the local distinctiveness and character of the area. The

proposal would also conflict with Paragraph 176 of the Framework which states that development within the setting of an AONB should be sensitively located and designed to avoid or minimise adverse impacts.

Fallback Position

19. The appellant has advised that it would be their intention to implement the prior approval permission in the event of the appeal being dismissed. On the basis of the evidence before me, I consider that there is a greater than theoretical possibility that the existing agricultural building at Rookery Farm would be converted to a residential dwelling, so a fallback position exists, albeit on land outside of the appeal site.
20. The appeal proposal would offer some benefits over the fallback position in terms of quality of living accommodation, biodiversity improvements including significant tree planting, and a more energy efficient approach to design and construction.
21. Both the appeal proposal and the fallback position would result in benefits in terms of boosting housing supply and supporting the economy both during construction and occupation. Due to the location of the appeal site and existing agricultural building, both schemes would also lead to some harm in terms of reliance on the private car to access many services. As both developments would be of similar scale, these effects would be comparable in magnitude.
22. However, the fallback position would be better related to other existing buildings, would not require further built development beyond the existing settlement, would preserve the setting of the AONB and have a lesser effect upon the Landscape Character Type. Accordingly, I conclude that the appeal proposal would be significantly more harmful than the fallback position.
23. I have been provided with details of two unilateral undertakings, which seek to restrict the implementation of other existing permissions, should the appeal be allowed. Of these, only one appears to have been signed, but has a redacted signature. I cannot therefore be certain that either document would be enforceable. However, even if a completed unilateral undertaking were to exist, I have concluded that overall, that the appeal proposal would be significantly more harmful than the fallback position. I therefore attach only very modest weight to the fallback position as a material consideration.

Other Matters

24. There is no dispute between the parties as to whether the proposed development would preserve or enhance the character and appearance of Trunch Conservation Area ('the CA'). The site is located outside of, but within the setting of CA. Following my site visit I see no reason to conclude that the development would be harmful to the setting of the CA, and there is no need for me to consider this matter further.
25. I am aware that the appeal site lies within the Zone of Influence of a number of European designated sites. The Conservation of Species and Habitat Regulations 2017 require the Competent Authority to consider whether or not the proposal could adversely affect the integrity of the protected sites, either alone, or in combination with other plans and projects. This responsibility falls to me in the context of this appeal.

26. Had I been minded to allow the appeal, it would have been necessary to carry out an appropriate assessment in order to establish whether the proposal on its own or in combination with other projects would likely have significant effects on the integrity of the European sites. This would include whether mitigation to achieve nutrient neutrality would be necessary and could be achieved. However, as I have concluded that the proposed development would be otherwise unacceptable, it is not necessary for me to pursue this issue further.

Planning Balance and Conclusion

27. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires me to determine the appeal in accordance with the development plan unless material considerations indicate otherwise.
28. As I have set out above, the proposal would conflict with the development plan with regards to the location of new housing development. It would also result in harm to the character and appearance of the area, including the setting of the AONB.
29. Section 85 of the Countryside and Rights of Way Act 2000 requires me to have regard to the purpose of conserving and enhancing the natural beauty of the AONB, and Planning Practice Guidance (PPG) advises that this duty extends to consideration of the effect of new development upon the setting of the AONB. In accordance with this duty and Paragraph 176 of the Framework, I afford great weight to the harm to the landscape and scenic beauty of the AONB that would result from the proposal.
30. Accordingly, the proposal would conflict with the development plan as a whole. It would also fail to accord with the requirements of the Framework. I afford this conflict great weight.
31. The proposed development would result in some benefits, including a modest boost to housing supply, support to the economy during construction and occupation and increased tree planting. It would also result in biodiversity improvements; however, these have not been fully quantified. Similarly, only limited specific details of the proposed low carbon design and build process have been provided. Accordingly, I can only afford very modest weight to these matters as benefits of the proposal. Overall, these benefits would not outweigh the harm or conflict with the development plan that I have identified.
32. Therefore, I conclude that the proposal would conflict with the development plan, and there are no material considerations, including the Framework and the fallback position, that would outweigh that conflict. Accordingly, the appeal is dismissed.

C Harding

INSPECTOR