
Appeal Decision

Site visit made on 6 November 2023

by T Burnham BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 December 2023

Appeal Ref: APP/L2630/W/22/3309667

Land north of Walcot Rise, Diss Easting (x) 612537 Northing (y) 280490

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Land Allocation Ltd against the decision of South Norfolk District Council.
 - The application Ref 2019/1555, dated 25 November 2020, was refused by notice dated 29 April 2022.
 - The development proposed is outline application including access with all other matters reserved for up to 90 (maximum) residential dwellings.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The description of the proposal has changed from the application form to the decision notice. That on the decision notice refers to an outline application including access, with all other matters reserved for up to 80 (Maximum) residential dwellings. That matches that on the appeal form and appears to have arisen as a result of amendments made during the course of the application. I have therefore considered the proposal on that basis.
3. Approval of matters relating to access were sought as part of the application. The point of access appears to have been amended during the course of the application. Originally proposed for Walcot Road on the north-west of the site, access was amended to be sought from Walcot Rise on the southern boundary.
4. I have afforded some weight to the indicative site layout plan which indicates how a maximum of 80 dwellings could be distributed across the site.

Main Issues

5. The first main issue is the effect of the proposal on the character and appearance of the area and the principle of development within this location. The second is the effect of the proposal on the setting of the Grade II listed Thatch (Cottage), Grade II listed Home Farmhouse and Walcot Hall (identified by the Council as a non-designated heritage asset). The third is whether the proposal would result in a net loss of biodiversity. The fourth is whether adequate pedestrian links could be provided to the site via Walcot Rise.

Reasons

Character and appearance/principle of development

6. The appeal site sits immediately to the north of the main body of Diss outside of the development boundary. It has a pastoral character and appearance, laid to rough grass. Along with other undeveloped and agricultural land, it separates Diss from Walcot Green to the north.
7. The northern part of Diss has a completely different character and appearance to Walcot Green. That part of Diss is mainly suburban with modern residential properties with modest gardens arranged around modern estate layouts with associated levels of residential activity. Walcot Green, by contrast has a countryside feel, forming a small but well delineated settlement with a limited number of properties set within comparatively substantial grounds along a central street, the lower density leading to a quieter and more rural feel to Walcot Green.
8. Development of the site at anywhere near the indicated level would see the substantial loss of that gap with the suburban area of Diss extended northwards. This would have a significant adverse effect on the character of Walcot Green as the inevitable activity associated with a large number of suburban style dwellings would erode the quiet and peaceful character of that settlement.
9. There would also be an adverse impact on the appearance of the area. The site as it stands forms part of the pleasant countryside which frames Diss to the north. Whilst I accept that public views towards the site are limited by reason of the limited site frontage with Walcot Road, the site is visible and prominent from Walcot Hall nursing home, residential properties on Walcot Rise and Falcon Avenue. It is also likely that especially during the winter there would be some sense of the development from the road beyond the fields to the east which snakes northwards to link the eastern end of Walcot Green.
10. Whilst I note the reasonably well contained nature of the site and that the site is not identified specifically as an important space or strategic gap as well as mitigation measures in terms of the landscape strategy, the proposal would cause substantial harm to the character and appearance of the area on these terms.
11. The site falls within the Waveney Rural River Valley (WRRV) within the Landscape Assessment¹. Policy DM 4.5 of the South Norfolk Local Plan Development Management Policies Document (2015) (DMP) states amongst other things that all proposals will be required to demonstrate how they have taken the development considerations for the area into account.
12. With regard to the WRRV, the evidence indicates that development should ensure the compact character of the market towns and small scale vernacular settlements is preserved and enhanced.
13. The proposal would not align with these development considerations and there is therefore conflict with the landscape strategy. The proposal would subsequently conflict with Policy DM 4.5 of the DMP which amongst other things requires that at a minimum all development should respect and conserve landscape character, and which states that development proposals that would cause significant adverse impact on the distinctive landscape characteristics of an area will be refused.

¹ South Norfolk Landscape Assessment.

14. There would also be conflict with policies DM 1.4 and DM 3.8 of the DMP and Policies 1 & 2 of the JCS², which amongst other things require that development make a positive contribution to local character and distinctiveness and protects the environmental assets of an area.
15. The proposal would conflict with Policy DM 1.3 of the DMP as there are no policies which specifically support this type of development outside of the defined development boundary of the settlement.

Setting of Thatch (Cottage), Home Farmhouse and Walcot Hall

16. Thatch (Cottage) is a grade II listed C17 timber framed with thatched roof property set back from the road through Walcot Green to the north of the appeal site. It has a degree of visual separation from the appeal site by reason of the depth of land to its rear and extensive planting on the boundary between the sites.
17. Home Farmhouse is a further C17 timber framed property, again set back from the road through Walcot Green to the north-east of the appeal site. Again, intervisibility is limited and I note the limited public views towards these assets. However, I am required to pay special regard to the desirability of preserving the setting of listed buildings.
18. These heritage assets are currently experienced within a quiet, rural environment, as they are always likely to have been, which contributes positively to their setting and therefore significance. Home Farmhouse in particular is likely to have associative links to nearby open agricultural land.
19. With this in mind, the open, quiet and pastoral character and appearance of the site makes a positive contribution to the setting of the those listed buildings. That positive contribution would be undermined through increased noise and activity on the site as well as the physical appearance of the development if developed in a manner similar to the indicative proposals. The proposal would therefore cause significant harm to the setting of Thatch (Cottage) and Home Farmhouse.
20. There would therefore be conflict with Policy 4.10 of the DMP which amongst other things requires that development should avoid causing any harm to a heritage asset.
21. The harm would be less than substantial. Regardless of this, I must afford this harm considerable importance and weight. Paragraph 196 of the Framework³ along with Policy 4.10 of the LP require such harm to be weighed against any public benefits of the proposal.
22. For the same reasons as identified above, the site does make a positive contribution to the setting of Walcot Hall. However, the indicative plan shows a large undeveloped area close to the open boundaries of the nursing home. This would retain a good proportion of the open land surrounding the home that contributes positively to its significance. The proposal would not therefore cause harm to the setting of Walcot Hall.

² Joint Core Strategy for Broadland, Norwich and South Norfolk (2014).

³ National Planning Policy Framework 2023.

Biodiversity

23. The Biodiversity Net Gain Impact Assessment review⁴ identifies various habitats on the site, the greatest area of those habitats on the site being in the form of neutral grassland.
24. The report states that for biodiversity net gain / no net loss to be achieved, off site provision remains a necessity. It makes suggestions, such as the enhancement of 2ha of arable land to neutral grassland as well as the creation of a 0.2ha traditional orchard.
25. However, the report indicates that the Grassland would require management in perpetuity. The sites should be provided within a 10 mile radius and the evidence does not indicate that formal arrangements have been made to acquire or identify sites on which these habitats could be provided.
26. Grampian conditions can be imposed to require works on land that is not controlled by the applicant. However, the proposed mitigation/enhancement appears to remain theoretical in nature and I am not convinced that in relation to the facts of this case that a condition to address the matter would meet the test of precision or whether it could deliver the off-site requirements needed for net gain.
27. There would therefore be no precise mechanism in place to secure the suggested off site mitigation/enhancement. The proposal would subsequently conflict with policy DM 1.4 of the DMP which amongst other things requires that all development should take all reasonable opportunities to enhance biodiversity to achieve a net gain for nature. There would also be conflict with Policy 1 of the JCS which amongst other matters requires that the environmental assets of the area will be protected, maintained, restored and enhanced.

Pedestrian links

28. The access point would be taken from the terminus of Walcot Rise on the southern boundary of the development site. Walcot Rise has pedestrian footways which run along either side of the road and which terminate in front of the northernmost properties.
29. In physical terms, it would appear possible to physically extend these astride a vehicular access point on through the grassed area, boundary planting and on into the side.
30. Notwithstanding the differing positions of the parties relating to this matter, this is a sufficiently focussed issue, such that the provision of the appropriate access/footpath link could be secured via a Grampian condition, were I minded to allow the appeal.
31. The proposal would therefore need not conflict with Policies DM 3.10 and DM 3.11 of the DMP, which amongst other matters require that all development should support sustainable transport and which do not permit development that would endanger highway safety or the satisfactory functioning of the highway network.

⁴ BNGIAR – Land allocations Ltd – September 2021 – Ecology Resources Ltd Ecological Consultancy.

Other Matters

32. The proposal makes provision through a unilateral undertaking for an NHS contribution towards addressing capacity as well as contributions relating to public open space and the relevant financial contribution to the Green Infrastructure Recreational impact Avoidance and Mitigation Strategy (GIRAMS) to avoid adverse effects on the integrity of Habitats Sites (Breckland SPA/SAC). These contributions are essentially provided in mitigation for the development which would result in additional use of resources.
33. There are public benefits associated with the scheme. The proposal makes provision for affordable housing at 33% of the development within the context of a background of need and a general contribution towards housing supply within the context of the Framework objective of significantly boosting the supply of homes.
34. There would be the usual social and economic benefits including local construction and post construction spend which are normally always associated with such a proposal. The proposal would be well located for residents to access the wide range of services, facilities and transport links of Diss. There would also be some benefit in the provision of the recreational open space and play area. I afford these benefits moderate weight. They do not alter my earlier conclusion that the proposal conflicts with Policy DM1.3 of the DMP.
35. The parties agree that the Council currently has less than 5 years of deliverable housing sites due to issues surrounding nutrient neutrality. However, given the harm to the setting of the listed buildings, the application of Framework policies relating to designated heritage assets provide clear reasons for refusing the development proposed. Therefore, paragraph 11 (d) of the Framework is not engaged in terms of supporting the proposal.

Planning Balance

36. The proposal would conflict with the development plan in relation to matters surrounding Character and appearance/principle of development, listed buildings and biodiversity and I afford the harm arising from these conflicts substantial weight.
37. The proposal would conflict with the Framework in that it would result in less than substantial harm to the setting of Grade II listed Thatch (Cottage) and the setting of Grade II listed Home Farmhouse. The harm would not be outweighed by the arising public benefits. The application of Framework policies relating to designated heritage assets provide clear reasons for refusing the development proposed. This matter weighs against the proposal.

Conclusion

38. The proposal would conflict with the development plan and there are no material considerations which indicate a decision should be made otherwise than in accordance with it. The appeal is therefore dismissed.

T Burnham

INSPECTOR