BROADLAND DISTRICT COUNCIL

TOWN AND COUNTRY PLANNING ACT 1990

APPEAL BY: Quantum Land (Brundall) Ltd against the refusal of Broadland District Council to grant outline planning permission with the details of appearance, landscaping, layout and scale reserved for later determination, with the exception of Phase 1 for which details of all matters in relation to the 23 dwellings within that Phase are provided. Development to comprise: up to 170 dwellings (Use Class C3), and a community/sports pavilion (Class D1 and D2 use), a country park, formal and/or informal outdoor sports provision, access, and other earthworks and engineering works. All development, works and operations to be in accordance with the Development Parameters Schedule and Plans.

PLANNING INSPECTORATE REFERENCE: APP/K2610/W/19/3239986
LOCAL PLANNING AUTHORITY REFERENCE: 20171386
Date: 18th February 2020

LOCAL AUTHORITY STATEMENT OF CASE

1. **The Appeal Site**

   1.1. The appeal site extends to 17.4 hectares (ha) and straddles the parish boundary of Brundall to the south and Blofield to the north. The site slopes from its high point in the south down towards the Witton Run Dike which forms the northern boundary of the site. The site was last in agricultural use and classified as grade 2 (Very Good). Mature trees and hedgerows border the linear parcels of grazing land and riparian land that runs approximately parallel to the Witton Run Dike to form a distinctive character alongside the tributary, parts of which are in Flood Zones 2 and 3.

   1.2. Beyond the Witton Run Dike is land associated with Norfolk Premier Golf where the gradient of land rises once again. To the south and east of the appeal site are residential dwellings and to the west is Brundall Memorial Hall and associated recreational facilities beyond which is further residential development.

   1.3. A public right of way (Brundall FP1) runs along the southern boundary of the site between Highfield Avenue to the east and Links Avenue to the west. A second public right of way (Brundall FP2) runs in part along the western boundary of the site which connects to Postwick FP6 heading north to Yarmouth Road.
1.4. A number of agricultural buildings and a pumping station are located within the east of the site where the site boundary is contiguous with Brundall Road. A main foul sewer crosses the site east to west and overland power lines run north-south.

2. **Planning history of the appeal site:**

- 20050410 - Application for change of use of agricultural land to playing field. Approved May 2005. Expired
- 20100557 – Application for change of use from agricultural land to playing field. Approved May 2010. Expired
- 20130591 – Application for change of use from agricultural land to land for recreational purposes. Approved June 2013. Expired
- 20162126 – Application for change of use from agricultural land to land for recreational purposes. Approved February 2017.
- 20162071 - EIA screening opinion. EIA not required.
- 20191974 – Application for change of use of land from agricultural to recreational Use. Undetermined.

3. **Appeal Proposals**

3.1. The appeal proposals are a ‘hybrid’ seeking full permission for a first phase of 23 dwellings, and outline permission with all matters reserved except access for a second phase of 147 dwellings. The appeal proposals also include provision for a community/sports pavilion (use class D1 and D2), a 7ha country park, 3ha of formal and/or informal outdoor sports and other associated earthworks and engineering operations. The application is supported by a suite of amended Parameter Plans to establish principles that any subsequent reserved matters application would need to comply with. Vehicular access is proposed to be onto Brundall Road to north-east of the site with a secondary emergency access provided onto Links Avenue in the south-west corner.

4. **Relevant Planning Policies and Guidance**

4.1. The Council will refer to the National Planning Policy Framework (NPPF) and the Planning Practice Guidance (PPG); the Joint Core Strategy for Broadland, Norwich and South Norfolk 2011/2014 (JCS); the Broadland Site Allocations Development Plan Document 2016 (SA DPD); the Broadland Development Management Plan Document 2015 (DM DPD); the Brundall Neighbourhood Plan 2016 (BNP); and the Broadland Landscape Character Assessment Supplementary Planning Document 2013 (LCA SPD) in its evidence.

4.2. The committee report (submitted with the Local Planning Authority Questionnaire) sets out a comprehensive list of the relevant policies applicable to the appeal proposals. The key policies for the determination of this appeal will be policies 1 and 2 of the JCS, policy BRU3 of the SA DPD, policies GC2, GC4 and EN2 of the DM DPD and policy 3 of the BNP.

4.3. The NPPF and PPG are a material consideration in the determination of the appeal.
5. **The Council’s Case in Respect of the Appeal**

4.1 The decision notice (dated 19th July 2019) provides four reasons for refusal. The key issues arising from the Council’s decision are as follows:

**Conflict with the Development Plan (reasons for refusal 2 and 4)**

4.2 The appeal site is located outside of a settlement limit as defined on the Policies Maps which accompany the SA DPD. Policy GC2 of the DM DPD states that new development will be accommodated within settlement limits; outside of those limits development which does not result in any significant adverse impact will be permitted where it accords with a specific allocation and/or policy of the development plan.

4.3 The majority of the appeal site (approximately 12.5ha) is outside of the settlement limit and does not benefit from any specific policy or allocation in the development plan.

4.4 4.9 ha of the appeal site is allocated for recreational open space in accordance with Policy BRU3 of the SA DPD. The appeal proposals would provide 3 ha of land for recreation within allocation BRU3, but residential development and associated infrastructure would be delivered on the remaining 1.9 ha of this allocation. Such development is not supported by the policy.

4.5 The Council will argue that the appeal proposals therefore conflict with policies BRU3 and GC2. The conflict with the development plan gives rise to a presumption that planning permission should be refused.

4.6 The strategy of the JCS is to locate the majority of growth in the Norwich Policy Area (policy 9). The Appeal scheme falls within ‘Broadland smaller sites in the NPA’, which is identified as delivering 2,000 dwellings in the plan period. Policy 14 provides for a “modest” allocation of approximately 50 of these dwellings to be delivered in Brundall, in recognition of the fact that “there are more sustainable options for accommodating new housing developments in the Norwich Policy Area”.

4.7 The SA DPD allocated land for 150 dwellings west of Cucumber Lane (BRU1). This development has been built out. On 6 March 2018 planning permission was granted for 155 dwellings nearby at the ‘Broom Boats’ site at Yarmouth Road in Brundall. These two developments alone will deliver over six times the level of development contemplated in JCS policy 14. Further development on the scale of the appeal scheme, would be contrary to the JCS strategy for growth and is not warranted, particularly in circumstances where it conflicts with GC2 and the Council has a 5 year housing land supply.

4.8 The Council will argue that the policies of the development plan concerning the location of development should carry significant weight in determining the appeal. The Council will also argue that upholding the plan led system (including the broad scale of development planned for each settlement) should carry significant weight. A departure from the development plan
should only be justified in situations where overriding benefits would result. The Council will argue that the appeal proposals do not provide benefits of such weight that a departure from the plan-led approach to the location of development is justified.

**Impact on setting of heritage assets (reason for refusal 3)**

4.9 The appeal site contains no designated or non-designated heritage assets. However, the Grade I listed Church of St Andrew and St Peter is located approximately 1km to the north-east of the appeal site.

4.10 The church dates from the C14 and later. The architectural and historic significance of the church lies in it being a good example of medieval perpendicular style and the level of intactness of its architectural form with significant features such as the font, monuments, the dado remains of a rood screen and stained glass. With regard to assessing the impact of the development proposal, it is the church tower that is visible from the site. The church tower dates from C15th and is of high importance and value when considering the overall significance of the church. It is a square tower which is the common form of tower constructed in Norfolk in the C15, an indication of the rural wealth in the county at that time, and Blofield Church has one of the tallest towers in Norfolk. The church towers of the late medieval period were designed with height so that they are very prominent features when viewed within the surrounding rural area, and the setting of the church therefore extends beyond its immediate setting of the graveyard and settlement to the wider setting of open countryside.

4.11 The church tower continues to be viewed across the agricultural field from the footpath, however within the wider panoramic view the setting has to some extent been denuded by the urban expansion of Blofield along Brundall Road, the urban expansion of Brundall around Highfield Avenue, and to the north of the site the change in landscape character from agricultural fields to a golf course. The development of the field with housing and a recreational space will however further urbanise the area and further erode the wider rural setting of the church and this will consequently result in a harmful impact on the wider rural setting of the listed church. Due to the existing changes to the setting of the church, the development not affecting the actual church itself or its immediate setting, it can be considered at the low end of less than substantial harm.

4.12 The Appellant accepts, and the Council agrees, that the appeal proposals would result in less than substantial harm to the setting of the Grade I listed church. As such, the setting would not be protected, contrary to policy 1 of the JCS. In accordance with the NPPF, great weight should be given to the conservation of this asset, and any harm should require clear and convincing justification.

**Impact on the character and appearance of the area and important views (reason for refusal 1)**
4.13 Save for some existing agricultural buildings and a pumping station towards the north-east, the appeal site is undeveloped, and contributes positively to the character and appearance of the area.

4.14 The Council will demonstrate that the proposed development does not have full regard to the Landscape Character Assessment SPD and as such will conflict with policy EN2 of the DM DPD by masking the distinctive topography of the Blofield Tributary Farmland Landscape Character Area, which is a distinctive topographical feature making a significant contribution towards defining the character of the area.

4.15 The Council will argue that there will be adverse landscape and visual effects that will be greater than anticipated by the submitted Landscape and Visual Impact Assessment and that the development would conflict with policies GC4 and EN2 of the DMDPD and policies 1 and 2 of the JCS.

4.16 Views towards the grade I church of St Andrew and St Peter are identified as important in the Brundall Neighbourhood Plan and policy 3 seeks to protect and enhance the view to the north east from the Memorial Hall. The designated heritage asset is experienced from a range of public vantage points (including Public Footpaths) within and directly adjacent to the appeal site. The Council will argue the appeal proposals will adversely impact on the ability for the public to enjoy the view from the location identified in policy 3 of the BNP and from other public view points within and adjacent to the site. This represents a conflict with policy 3.

**Housing Land Supply Position**

4.17 The Council is able to demonstrate a five-year housing land supply, and therefore the tilted balance in paragraph 11(d) of the NPPF does not apply. There is no justification for reducing the weight to be placed on the development plan policies referred to above.

4.18 The Council’s housing land supply (HLS) assessment is published as an appendix that accompanies the Annual Monitoring Report. The HLS assessment has been completed in a manner consistent with the requirements of the NPPF and advice contained in Planning Practice Guidance.

4.19 In its Statement of Case, the appellant sought to contest the robustness of the Council’s housing land supply position. Subsequently, it has reviewed the Council’s published HLS statement. On the basis of this review the appellant has agreed in the Statement of Common Ground that it “will not contest the LPA’s 5 YHLS assumption”. The Council’s ability to demonstrate a 5 year housing land supply does not therefore form a “matter not agreed” within the Statement of Common Ground.

**The Planning Balance and Conclusions**
5.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications must be determined in accordance with the development plan unless material considerations indicate otherwise. The NPPF reinforces the importance of the plan led system stating that there should be a genuinely plan led approach to development. Given the importance of the plan led approach to planning, it is considered that any material considerations must demonstrate overriding benefits to warrant making a departure from the plan led system.

5.2 The Council will demonstrate that the scheme conflicts with the development plan, would undermine the plan-led system and would give rise to adverse impacts on the character and appearance of the landscape, locally identified important views and the setting of a designated heritage asset contrary to development plan policies.

5.3 The Council will acknowledge that the planning application does have benefits including the provision of affordable housing and the delivery of open space; however the Council will argue that these are not material considerations of sufficient weight to justify a decision otherwise than in accordance with the development plan.

5.4 The Council will argue that the “tilted balance” at paragraph 11(d) of the NPPF is not engaged by the proposal, whether by reason of the housing land supply position or otherwise.

5.5 In the event the Inspector finds that the “tilted balance” does apply the cumulative impacts in terms of (i) conflict with policy and the strategy of the development plan, and in particular policy BNP 3; (ii) landscape and (iii) heritage would significantly and demonstrably outweigh the benefits of new housing in that situation.

5.6 Accordingly, the Council will invite the Inspector to dismiss this appeal.

Case Officer: Charles Judson

Dated: 18th February 2020