Introduction

1. Government policy is that the planning system should be “genuinely plan led”. Development plans are products of local democracy. They are produced following an iterative process involving extensive public consultation, usually over a number of years. Difficult balances must be struck, and the distribution of new development and allocation of land to deliver it is almost always a highly contentious matter. Once plans have been adopted, local communities are entitled to expect that they should be followed.

Settlement boundaries

2. The development plan is clear that new housing development should not be located outside settlement boundaries unless it “accords with a specific allocation and/or policy of the development plan”. In addition, development must not result in any significant adverse impacts. (GC2)

3. The appeal site is wholly outside the adopted settlement boundary.

4. 4.9ha of the site is subject to a “specific allocation” for recreational open space. Policy BRU3 allocates the land for “formal recreational uses, such as playing pitches, together with more informal recreation such as walks, jogging track etc.” This allocation would help to meet a recognised deficit in formal recreation space, which currently stands at 6.49ha based on the policy expectation for a settlement of this size. The appeal proposal would deliver 3ha of open space on the BRU3
allocation. This could be formal or informal, or a mixture – the details are not known at this stage. However, 1.9ha of the allocation would not be delivered, and would be permanently lost to housing. The appeal proposal does not accord with this “specific allocation”.

5. Although not mentioned in the Appellant’s Statement of Case, it is now being said that the scheme accords with a “policy of the development plan”, namely GC1 (presumption in favour of sustainable development). It is suggested that the location of the site outside of the settlement boundary is therefore acceptable under GC2. The Council’s position is that GC1 is not engaged in this case, and in any event the Appellant’s argument misunderstands the true relationship between GC1 and GC2. The appeal proposal is not supported by a relevant “policy of the development plan”.

6. The development plan is clear that the appeal site is not an appropriate location for a new housing development. The proposal is in direct conflict with the plan policies in this respect.

Landscape/character and appearance

7. The LPA has also adopted policies which aim to protect the landscape and character and appearance of the area. Development should have regard to landscape character assessments and should protect, maintain and enhance the environmental assets of the area (including the countryside and rural character). The landscape setting of settlements, including the urban/rural transition, should be respected. Development should protect and enhance important views and natural and geomorphological features which make an important contribution towards defining the character of the area. (EN2, JCS1, JCS2)

8. Again, these policies are not supportive of the appeal proposal. The site is characteristic of the Blofield Tributary Farmland character area. The gentle slopes down to the Run Dike are a distinctive topographical feature, which help to define Brundall’s position on a ridge of elevated land. There is a clear transition between the edge of the settlement and the simple agricultural landscape which is typical
in the countryside north of Brundall. The appeal scheme would not respect these features.

9. There are memorable views across the appeal site towards the tower of St Andrew and St Peters Church. One such view is identified as being particularly important in the Brundall Neighbourhood Plan (BrNP 3). Although the appeal proposal attempts to respond to this policy, it does not do so successfully and there remains a conflict here.

10. Overall, the appeal proposal would cause unacceptable harm to the landscape, and to views from publicly accessible areas, including footpaths, around the site. This is a further instance of non-compliance with the development plan.

**Heritage**

11. The development of 170 houses in the setting of the Grade I listed church of St Andrew and St Peter would cause less than substantial harm. The height and visual dominance of the tower has architectural and historical significance and can only be fully appreciated at a distance. Direct views from the appeal site therefore contribute to that significance. The development would cause harm by further urbanising the setting of the church. This also results in another conflict with the development plan (JCS1).

12. This harm must be given great weight, but given that it is at a low level, the LPA recognises that it will be outweighed by the public benefits of the proposed development. Accordingly, it is not suggested that this is a basis for refusing permission. However, the fact that this harm would occur is clearly a drawback of the appeal proposal which should not be ignored in the overall balance.

**Spatial strategy**

13. For a number of years following adoption of the JCS, the LPA was unable to demonstrate a 5YHLS. In view of the pressing need for housing land, housing development which conflicted with the pattern of housing distribution set out in the JCS (and with the later policies of the Development Management DPD) was
permitted – both by the LPA itself and on appeal. Development plan policies relating to the distribution and location of development were given reduced weight at that time. The application of the tilted balance made it more difficult to resist speculative applications. Decisions like this, which are seen to go against the adopted local plan, are not welcomed by local communities. However, they can be understood and rationalised.

14. Brundall has not been immune to this state of affairs. The JCS allocates only 50 dwellings to the settlement, recognising that “there are more sustainable options for accommodating new housing developments in the Norwich Policy Area”. Although the JCS recognises the potential for some flexibility in this number, if necessary to help deliver the higher level allocation for the NPA, development of the land East of Memorial Hall would result in a level of housing commitment which is nearly 10 times the level identified in the JCS. This is well beyond what the local community could reasonably have expected when the plan was being prepared and examined.

15. There is no longer any justification for the development plan to be overridden in this way. The GNA can comfortably demonstrate a 5YHLS. It can demonstrate an enviable track record of proactive engagement in boosting housing delivery. The pressing need to identify further land for housing development no longer exists.

16. The appeal scheme is in conflict with the spatial strategy for Brundall. Granting permission for a scheme which does not accord with the development plan, when there is no pressing need for new housing, would undermine the integrity of the plan led system. The GNAs are in the process of developing their new local plan. But if plans can be so easily overridden even when there is no clear need to do so, then why should local communities spend time and money helping to shape them?

**Other material considerations**

17. It is recognised that the appeal proposal would bring benefits. Although it is not urgently needed, contributions to housing supply – and particularly the supply of affordable housing – are always a positive thing.
18. There would be substantial areas of open space which would be provided in excess of policy requirements. These areas would deliver informal recreational space, and could also provide facilities for formal recreation such as playing pitches and so on. This benefit must of course be balanced against the loss of part of BRU3. The proposed “country park” along the Run Dike would link together other green infrastructure and facilitate public access. It has the potential to deliver ecological enhancements. These parts of the proposal are in outline so there remains uncertainty over exactly what would be delivered. In particular, it is not yet known whether there would be any formal recreation space, and if so, how much. Nevertheless, the provision of a significant amount of open space for use by the wider community is plainly beneficial.

19. There would be other economic benefits, although there are generic to any housing development.

**Conclusion**

20. The LPA will argue that this is a case where the development plan should clearly prevail. There are a range of policy conflicts, and the proposal is not in accordance with the plan taken as a whole. Whilst the appeal proposal would bring some benefits to the local community, these are not of sufficient weight to justify overriding the plan. There is a SYHLS and the tilted balance is not engaged for this, or any other, reason. In the circumstances, the LPA will argue that the appeal should be dismissed, and permission should be refused.

*Emma Dring*

*28 September 2020*