Land East of Memorial Hall, Links Avenue, Brundall

Appeal Against Refusal of Planning Permission

(Appel REF: APP/K2610/W/19/3239986)

Proof of Evidence of Robin Meakins Bsc (Hons) Dip TP MRTPI

Prepared by Barton Willmore LLP on behalf of Quantum Land (Brundall) Limited

August 2020
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1.1 QUALIFICATIONS AND EXPERIENCE

1.1 My name is Robin Meakins and I represent the appellant in this Appeal in relation to town planning matters. I hold a degree and diploma in Town and Country Planning from University College London. I am a member of the RTPI and have been involved in the planning, design, and development sector for over 20 years. I am a Partner and co-owner of Barton Willmore LLP, one of the UKs largest independent planning and design consultancies. I have a commercial interest in the site’s ultimate development.

1.2 I know the site, the surroundings and the planning application material. I have been involved in negotiating the scheme with the Council, Parish Councils and Consultees.

1.3 The application was submitted in August 2017 and taken to committee in July 2019. An Appeal was submitted at the end of October 2019 under the Informal Hearings Procedure. The procedure was changed by the Inspectorate to a Public Inquiry in January 2020. In July 2020 the appeal was confirmed as progressing as a Virtual Inquiry.

1.4 The evidence, which I have prepared and provided for this appeal in this proof of evidence, is true and has been prepared and is given in accordance with the guidance of my professional institution and I confirm that the opinions expressed are my true and professional opinions. My commercial interest in the site has had no influence at all in the opinions I set out in my proof of evidence.
2.0 STRUCTURE OF MY PROOF

2.1 My Proof of Evidence relates to town planning matters. It is structured as follows:

3. Scheme Summary;
4. Reasons for Refusal;
5. Key Issues;
6. Development Plan Policy:
   a. Joint Core Strategy;
   b. Development Management DPP;
   c. Site Allocations DPD; and
   d. Brundall Neighbourhood Plan;
7. Material Considerations:
   a. Emerging Local Plan;
   b. NPPF (2019);
8. Planning Balance;
9. Summary & Conclusion

2.2 My proof should in particular be read in conjunction with the proofs of evidence on Heritage (Ms Burton), Landscape (Mr Chard), Transport (Mr Roberts), 5YHLS (Mr Taylor), the agreed schedule of conditions, and the S106 Agreement (which is expected to be completed by the end if the Inquiry).
3.0 SCHEME SUMMARY

3.1 The objective of the appeal scheme is to provide a residential and green infrastructure extension and rounding-off, of Brundall village, in a comprehensive manner, that will deliver a range meaningful benefits, consistent with both national, local, and neighbourhood objectives, in a highly sustainable location. In particular, it will deliver extensive recreation and open space, which is an identified objective in the Development Plan.

3.2 The application is in hybrid form. Full permission is sought for phase 1 (23 dwellings) and outline permission for up to 147 further dwellings, open space, and associated development. The description of development is:

"Outline planning application 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."

3.3 The appeal scheme site is shown on plan at Appendix 1. As can be seen, Brundall is a geographically sustainable location. It is located 6.5m from Norwich, meaning it is:

- 13-15 minutes by train. Brundall has two train stations - Brundall and Brundall Gardens;

- The bus stops on The Stand (200m from the site) are served by Green Line routes 14 and 15 services. These provide a 30-minute frequency service between Norwich City Centre, Broadland Business Park and Brundall; and

- 15-20 minutes by road (the A47 linking Norwich to Lowestoft).

3.4 Brundall’s geographical location is important because Norwich is the regional city centre providing extensive jobs, retail, leisure, health, and higher order services. In
recognition of its location, the village is identified in the JCS Settlement Hierarchy as within the Norwich Policy Area (NPA) and a "Key Service Centre". Key Service Centres are behind Norwich, as the main town, and Aylsham as the second town, but ahead of all other locations in the district. Reflecting its highly sustainable location, Brundall is identified as being a Key Service Centre where additional unidentified sites for housing are in principle supported (see Table 1 page 5 of the Site Allocations DPD, 2016) (see CD 4.2)

3.5 In the context of Brundall village, the appeal scheme is well located to facilities, services, and public transport. The main community facilities are shown on Plan at Appendix 2. As can be seen, the appeal site is well located to:

1. The Memorial Hall and facilities, which adjoins the site;
2. The retail and services on the main “high street” on The Street. The following main facilities are located in and around here: Coop foodstore; Brundall Coffee Shop; Claire’s Hair Affair; Brundall Home Hardware; public house etc.;
3. Is 0.2m from the bus stops on The Street, which are served by Green Line 14 and 15 services. These provide a 30-minutes frequency service between Norwich City Centre, Broadland Business Park and Brundall;
4. Is 0.4m walking distance of the village primary school;
5. Is 0.3m of the Brundall Medical Centre;
6. Is 0.6-1.0m from the two train stations at Brundall and Brundall Gardens;
7. Is 0.6-1.0m from the open space provision on Postwick Lane, river walkway, and Marina on the fringes of the Broads;
8. Is 0.3-0.5m (through the appeal scheme) from the new facilities (artificial football pitch and foodstore) to be provided at Berryfields, as part of the recent approval of the Broom Boats scheme, and Vreamers Meadow Park; and
9. The appeal scheme includes extensive new open space that, subject to decisions, will provide both formal and informal recreation that will link up to existing facilities in the village, including Creamers Meadow.
3.6 The settlement of Brundall, and the appeal site’s location within Brundall, is sustainably located and is fully accessible to facilities. This is accepted by the LPA, and accessibility does not form any part of the reasons for refusal. I note that the conclusion that Brundall is a sustainable location, which is well-related to local services, was also the LPA’s finding when granting permission for 155 dwellings, retail supermarket and open space at the Land at Yarmouth Road (also referred to as the “Broom Boats” site) in 2017 (see paragraph 9.19 at CD 6.19).

3.7 The appeal scheme proposes a combination of:

1. Residential development and associated open space (170 dwellings);
2. Neighbourhood/Central Green (3ha); and
3. Country Park (7ha).

3.8 The location for the appeal scheme’s main components is shown on Plan at Appendix 3. As can be seen, the appeal site is bounded on three sides by the existing extent of the Brundall village. The present eastern boundary of the village would be “rounded-off” to provide a logical and defendable eastern boundary through the implementation of the appeal scheme.

3.9 The appeal scheme proposes the following:

1. Up to 170 dwellings;
2. 33% (56 units) of affordable housing, which is 5% (9 units) more than required;
3. Associated open space and equipped children’s play space etc., as part of the residential scheme;
4. Provision of the appropriate CIL financial contribution to support local facilities, such as health and schooling;
5. Enhancements to the A47/Cucumber Roundabout that will not only facilitate the appeal scheme but will also improve this junction for all residents of Brundall;
6. A 3ha “Neighbourhood Park” for wider village use, which could either be developed in isolation or as part of the adjoining Memorial Hall facilities. New facilities could provide for both formal and/or informal recreation;
7. A 7ha new “Country Park” for wider village use, which could deliver informal recreation opportunities, including walking, cycling, picnicking etc., and provide ecological and biodiversity enhancements, including enhancement/protection of areas that could be expected to have less human engagement; and
8. A mechanism, set out in the S106 Agreement, to allow various choices to be made as to how the neighbourhood park and the country park might be laid out, equipped, managed and owned, enabling, as a preference, for the local community to have ownership and control over these spaces. The S106 Agreement provides for the provision of £900,000, indexed linked, to be used to design, build out, and maintain the sites in public ownership, if that is the preferred outcome.

3.10 The Illustrative Masterplan (see Appendix 3) shows one way, but not the only way, the site could be brought forward through at the reserved matters stage.

3.11 The plans at Appendix 4, show examples of how the neighbourhood green and the country park could be designed and how this would connect and interact with the existing facilities of the village.

3.12 The layout for the Phase 1 scheme can be found at CD 2.7.

3.13 I consider the benefits of the appeal scheme are:

1. Majority provision (61%) of the BRU3 policy allocation delivering 3ha of open space to be laid out how the community wants, which could provide:
   
   a. Formal sports pitch provision, informal recreation space; and/or
   b. The new neighbourhood green could be combined with the existing Memorial Hall facilities. This could either be to provide complimentary adjoining facilities or both sites could be considered together, re-planned, and redeveloped to create additional benefits to the community overseeing the sites individually;

2. Meaningful provision of additional open space (7ha) delivering a key part of the East Broads Green Infrastructure Plan. Depending on decisions reached as part of the reserved matters, this could provide:
   
   a. Meaningful enhancement to ecology and biodiversity habitats;
   b. Meaningful informal recreation space; and
   c. Meaningful contribution to the Neighbourhood plan of delivering “linked up” walking and cycling routes through the village;
3. Delivery of market housing and above policy compliance affordable housing, helping to deliver on the national objective of significantly boosting the supply of housing;

4. Developing housing in a highly sustainable location;

5. Immediate delivery of housing helping to immediately boost housing provision and economic activity through the first phase being submitted in “full”;

6. Economic benefits from the scheme in term of job creation through the construction phases plus the boost to the local spending power for the shops and services in the village itself;

7. A CIL contribution of c. £1.53m (using 2020 indexation). 25% or c.£380,000 of this would be required to be passed on to the Parish Council;

8. For 20/21 the annual New Homes Bonus payment, assuming a Band C home, means Norfolk CC will get £63,236 and Broadland will get £252,994;

9. Enhancements to the A47 Cucumber roundabout both mitigating the impact of the appeal scheme and increasing capacity easing traffic flow to the wider benefit of the village (see Mr Roberts’ evidence); and

10. Lack of unacceptable identified harm to neighbours, the landscape (see Mr Chard’s evidence) or heritage assets (see Ms Burton’s evidence).

3.14 The application was submitted in August 2017. The application was presented to committee in July 2019 with an officer recommendation to approve. The Planning committee refused the application for four reasons, as set out in the next section.
4.0 LPA REASONS FOR REFUSAL

4.1 The appeal application was recommended for approval, but Planning Committee refused the application for the following reasons:

1. "The development would result in the introduction of built form and infrastructure associated with residential development. This would impact on the openness and rurality of the application site and result in significant harm to the rural character of the landscape including views from the public footpath to the south of the site. This would be to the detriment of the existing character and appearance of the area and conflict with policies GC2, GC4 and EN2 of the Development Management DPD [DMDPD], Policy 2 of the Joint Core Strategy [JCS] and Policy 3 of the Brundall Neighbourhood Plan [BNP].

2. The development is in conflict with the Site Allocations DPD [SA DPD] in that it does not provide the full recreational open space allocation required under BRU3 of the SA DPD.

3. The development results in harm, albeit less than substantial harm, to the setting of the Grade 1 Listed Church of St Andrew and St Peter when viewed from the Memorial Hall and the public footpath connecting Links Avenue with Golf Links Road. The public benefits of the proposal are not considered to outweigh this harm and the proposal therefore conflicts with Policy 1 of the JCS, Policy 3 of the BNP and paragraph 196 of the NPPF.

4. The application site is located outside of a settlement limit and does not accord with a specific allocation or policy of the development plan and as such is contrary to Policy GC2 of the DM DPD. Furthermore, as the Council’s housing policies are up to date, due to the existence of a 5 year housing land supply, the proposal, for the reasons outlined above, is not considered to have considerations so material that the development plan should not be followed.”
5.0 MAIN ISSUES FOR THE INQUIRY

5.1 The main issues for the inquiry are considered to be:

1. Whether the appeal proposal complies with the Development Plan as a whole;
2. Whether the LPA can demonstrate a 5YHLS and whether the NPPF “tilted balance” is engaged;
3. Whether the Development Plan is up-to-date;
4. Whether the landscape impact of the scheme is acceptable;
5. Whether the heritage impact of the scheme is acceptable; and
6. Whether material considerations exist, and what the overall planning balance judgement should be, taking account of both benefits and harms, leading to whether planning permission should be granted for the appeal.

5.2 My evidence addresses reasons for refusal 3 and 4 (see Section 4 above). Reason for refusal 3 is about not being fully in compliance with the Development Plan in respect of the BRU3 allocation. Reason for refusal 4 is about being not in accordance with the Development Plan, principally Policy GC2, by being located outside of the defined village settlement boundary, not being allocated for residential development, and there not being material considerations that outweigh this harm.

5.3 My colleague, Mr Chard, addresses reason for refusal 1, landscape impact. My colleague, Mr Taylor, helps me to address refusal 4 through showing the Council’s inability to demonstrate a 5YHLS, and Ms Burton, also addresses reason for refusal 3, heritage impact.
6.0 THE DEVELOPMENT PLAN

Overview

6.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 says:

"If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise"

6.2 When determining whether a proposal complies with the Development Plan or not, this must be determined by assessing the Development Plan as a whole.

6.3 My evidence is that appeal scheme does comply with the Development Plan, when considered as a whole. Therefore, the decision, in accordance with the Development Plan, would be to grant permission. In relation to material considerations, these do not indicate otherwise, rather material considerations, including the NPPF, further support the grant of permission. Alternatively, if it is found that the proposal does not comply with the Development Plan (contrary to my primary view), then my view is that material considerations indicate otherwise, and that permission should be granted.

6.4 The Development Plan for the appeal scheme comprises:

a) The Joint Core Strategy for Broadland, Norwich and South Norfolk (amendments adopted 2014) (JCS);
b) The Broadland Development Management Development Plan Document 2015 (DMDPD);
c) The Broadland Site Allocations Development Plan Document 2016 (SADPD); and

6.5 I now go through each of the documents making up the Development Plan and their relevant policies explaining how the appeal scheme complies.
a) **The Joint Core Strategy for Broadland, Norwich and South Norfolk (amendments adopted 2014)**

**JCS 1 Addressing Climate Change and Protecting Environmental Assets**

6.6 This policy covers a wide range of issues and is criteria based. After each criterion I set out how the appeal proposal responds.

"To address climate change and promote sustainability, all development will be located and designed to use resources efficiently, minimise greenhouse gas emissions and be adapted to a changing climate and more extreme weather. Development will therefore:

- **be energy efficient**

6.7 The appeal scheme will need to comply with Building Regulations. In addition, Condition 9 of the full set of conditions and condition 11 of the outline set of conditions require submission of a scheme to generate a minimum of 10% of the predicted energy requirement from decentralised renewable and/or low carbon sources.

- **provide for recycling of materials**
- **use locally sourced materials wherever possible**

6.8 The DAS sets out a materials palette to inform reserved matters submissions and the full scheme for phase 1 sets out the materials to be used. These have and will be agreed with the LPA. Conditions 4 (full) and 2 (outline) of the agreed set of conditions require submission and approval of external materials to be used.

- **be located to minimise flood risk, mitigating any such risk through design and implementing sustainable drainage**
- **minimise water use and protect groundwater sources**
6.9 The location of the built residential component of the appeal scheme is controlled through the Development Parameters. The Parameters restrict development to Flood Zone 1 areas. As the technical responses to the application show (see Committee report) no technical objections have been raised to the scheme. BDC pollution control, Environment Agency, Broads Authority, Broads Drainage Authority, Lead Local Flood Authority, and Anglian Water have all confirmed that the scheme is acceptable.

6.10 Conditions 24 (full) and 21 (outline) of the agreed set of conditions requires accordance with the Rossi Long surface water scheme. The NCC Lead Flood Risk Officer has made a representation to the appeal (letter to PINS dated 18 February 2020) confirming that there is no objection to the appeal scheme and amending an appropriate condition wording. Whilst I note that third parties have raised a number of comments/concerns around flooding, the evidence of the application (FRA) and the responses from statutory consultees, as noted above, confirm that the concerns raised are all unfounded and they do not form the basis of any technical objection or reason for refusal. The need to submit reserved matters and discharge conditions will ensure that the scheme will remain acceptable.

- **make the most efficient appropriate use of land, with the density of development varying according to the characteristics of the area, with the highest densities in centres and on public transport routes**

6.11 The site is accepted as a highly suitable location both in terms of the village of Brundall itself and Brundall in terms of the settlement pattern in this part of the sub-region. Excluding the strategic open spaces of the neighbourhood/central green and the country park, the site area is c.7.3ha, which nets down to c.5-5.5ha resulting in a density of c.30-35dph. This is considered appropriate for the locations and consistent with other schemes consented in the village recently.

- **minimise the need to travel and give priority to low impact modes of travel**

6.12 The appeal scheme is a sustainable location for development both within the village of Brundall and Brundall within the region, and this is not in dispute with the LPA. It is located in easy walking distance of day-to-day services and is only 6.5m from Norwich by car, train or bus, which is the regions main employment and shopping and higher order services centre. The site’s sustainability characteristics are proved both
through previous approvals locally and via appeal, and through Brundall’s categorisation and position as a Key Service Centre in the Settlement Hierarchy.

- **be designed to mitigate and be adapted to the urban heat island effect in Norwich**

6.13 This is not a relevant criterion for the appeal scheme.

- **improve the resilience of ecosystems to environmental change**

The environmental assets of the area will be protected, maintained, restored and enhanced and the benefits for residents and visitors improved. Development and investment will seek to expand and link valuable open space and areas of biodiversity importance to create green networks. Where there is no conflict with biodiversity objectives, the quiet enjoyment and use of the natural environment will be encouraged and all proposals should seek to increase public access to the countryside.

All new developments will ensure that there will be no adverse impacts on European and Ramsar designated sites and no adverse impacts on European protected species in the area and beyond including by storm water runoff, water abstraction, or sewage discharge. They will provide for sufficient and appropriate local green infrastructure to minimise visitor. Development likely to have any adverse affect on nationally designated sites and species will be assessed in accordance with national policy and legislation.

In areas not protected through international or national designations, development will:

- **minimise fragmentation of habitats and seek to conserve and enhance existing environmental assets of acknowledged regional or local importance. Where harm is unavoidable, it will provide for appropriate mitigation or replacement with the objective of achieving a long-term maintenance or enhancement of the local biodiversity baseline**

- **contribute to providing a multifunctional green infrastructure network, including provision of areas of open space, wildlife**
resources and links between them, both off site and as an integral part of the development

- help to make provision for the long-term maintenance of the green infrastructure network

6.14 The appeal scheme incorporates a new “Country Park” and “Neighbourhood/Central Green”. Both spaces will improve the ecosystems and habitats for flora and fauna when compared to the present use of the site. The scheme represents an important contribution to the planned delivery of open space, as set out through Policy Allocation BRU3 and in the East Broadland Green Infrastructure Project Plan. The appeal scheme provides land which can link with existing and future proposed green infrastructure, in particular Cremer’s Meadow in Brundall.

6.15 Part of the appeal proposal is to transfer this land to public ownership (if this is desirable) and to provide funding for the fitting out/enhancement of these spaces and a dowry for their future maintenance. The appeal scheme therefore responds well to these policy considerations and represents an important part of the basis on which the case officer recommended approval for the scheme.

- protect mineral and other natural resources identified through the Norfolk Minerals and Waste Development Framework

6.16 Condition 23 (full) and Condition 20 (outline) of the agreed set of conditions require a “Minerals Resource Assessment” to be submitted and approved by the LPA. The purpose is to make maximise us of any identified resources.

The built environment, heritage assets, and the wider historic environment will be conserved and enhanced through the protection of buildings and structures which contribute to their surroundings, the protection of their settings, the encouragement of high-quality maintenance and repair and the enhancement of public spaces.

6.17 Policy JCS1 is only citied within reason for refusal 3 on heritage matters. There is no allegation of breach of JCS1 in respect of any of the other parts of the policy I have identified above. Ms Burton’s evidence on heritage matters confirms the appeal proposal accords with this specific criterion.
6.18 This policy requires development to be designed to the "...highest possible standards, creating a strong sense of place". The policy requires proposals to "respect local distinctiveness" by reference to a series of criteria which are to be applied, where appropriate. The criteria are set out below followed by an explanation of how the appeal scheme achieves the objective:

- **the historic hierarchy of the city, towns and villages, maintaining important strategic gaps**

6.19 The appeal proposals have been subject to discussion and agreement with Planning and Design officers as part of the pre-application process and evolved post submission. The DAS explains how the scheme design and creation of Development Parameters to guide future reserved matters achieve high standards and can create a sense of place.

- **the landscape setting of settlements including the urban/rural transition and the treatment of 'gateways'**

6.20 The appeal scheme controls the location of development through reserved matters having to comply with the Development Parameters and the actual requirement for approval of design and layout at the reserved matters stage. This approach ensures that an acceptable scheme can come forward. The residential scheme component is retained within the existing built up edges of the village and the country park enables a suitable boundary to be created that transitions between the rural and urban environments. Mr Chard’s evidence further addresses these points.

- **the landscape character and historic environment, taking account of conservation area appraisals and including the wider countryside and the Broads area**
- **townscape, including the city and the varied character of our market towns and villages**
- **provision of landscaping and public art**

6.21 The appeal site is not near a designated conservation area. The listed church in Blofield has been protected through the restrictions on built development contained
in the Development Parameters. Mr Chard and Ms Burton’s evidence further addresses these issues.

- the need to ensure cycling and walking friendly neighbourhoods by applying highway design principles that do not prioritise the movement function of streets at the expense of quality of place
- the need to increase the use of public transport, including through 'public transport-oriented design’ for larger development
- designing out crime
- the use of sustainable and traditional materials
- the need to design development to avoid harmful impacts on key environmental assets and, in particular SACs, SPAs and Ramsar sites

6.22 These issues of design are best dealt with through the determination of reserved matters. However, the location of the site, the way in which the Development Parameters have been prepared, and the approval process of reserved matters will ensure these principles are appropriately met.

JCS9 – Strategy for Growth in the Norwich Policy Area

6.23 The JCS identifies growth targets for Broadland District and sets out the strategy for achieving these targets by defining a settlement hierarchy. Fundamentally, this seeks to focus residential development in settlements which are well linked and well related to existing development, services, facilities and employment opportunities. The LPA do not allege a conflict with JCS9 in the reasons for refusal.

6.24 The JCS policy strategy for housing growth is set out in Policy 9. It says: "The Norwich Policy Area is the focus for major growth and development". Brundall is within the NPA.

6.25 Policy 9 goes on to say that allocations to deliver the smaller sites in Broadland will be made in accordance with the settlement hierarchy. It is identified that allocations are needed to deliver a minimum of 21,000 dwellings across the whole joint area during the plan period 2008 - 2026. In terms of Broadland, this includes a minimum provision of 9,000 units in Broadland with a split of 7,000 in the “Growth Triangle” and 2,000 dwellings on Broadland smaller sites in the NPA (see paragraph 2.13 of the SA DPD – CD4.2). It is reiterated in policy JSC9 that that the "All numbers above
show the **minimum** number of dwellings to be delivered in each location”.

(my underlining)

6.26 The Settlement Hierarchy is set out in paragraph 6.2 (**CD4.2**) as:

1. **Norwich urban area**
   The existing urban area includes the built-up parts of the urban fringe parishes of Colney, Costessey, Cringleford, Trowse, Thorpe St Andrew, Sprowston, Old Catton, Hellesdon, Drayton and Taverham

2. **Main Towns**

3. **Key Service Centres** (including Brundall and Blofield)

4. **Service Villages**

5. **Other Villages**

6.27 Policy 9 says: **“The Norwich Policy Area (NPA) is the focus for major growth and development”**. Paragraph 2.11 of the SA DPD (**CD 4.2**) confirms that in Broadland the following settlements are part of the NPA, including Brundall:

1. Taverham
2. Drayton
3. Hellesdon
4. Old Catton
5. Sprowston
6. Thorpe St Andrew
7. Horesford
8. Horsham & Newton St Faith
9. Spixworth
10. Beeston St Andrew
11. Rackhealth
12. Salhouse
13. Great & Little Plmstead
14. Postwick
15. **Brundall**
16. **Blofield**
17. Hemblington

6.28 Policy 9 also notes that: "opportunities will be sought to enhance green infrastructure throughout the area..."

6.29 It is important that at the time the Joint Core Strategy was adopted, the settlement boundaries were not re-drawn to reflect the increased housing requirement in Policy 9. Rather the settlement boundaries remained as those from the Broadland District Local Plan (Replacement) adopted 2006 (plan period 2001 – 2011) (see CD 8.20), which were drawn to reflect the much lower housing requirement from the Norfolk Structure Plan, adopted 1999 (plan period 1993-2011) (see CD 8.21).

6.30 Therefore, between 2011 and 2016 (when the Broadland Site Allocations Development Management Plan was adopted) a large number of housing sites were approved beyond settlement boundaries. As will be explained further below, the Site Allocations DPD 2016 also did not re-draw these old settlement boundaries, but rather “tacked-on” a record of the sites outside settlement boundaries, many of which had already been granted permission. This is discussed further below in my assessment of policy GC2. It is also relevant that the housing numbers in Policy 9 are now out of date as they are more than 5 years old, and thus the LPA now calculates the requirement using local housing need. It is helpful to refer to the Wains Homes High Court case (See CD 6.2) at this point because it is instructive. In that case it was accepted by all parties that Central Lancs housing policy (which redistributed needs across the constituent LPAs, as is also the case with the Joint Authorities in this case) was found out of date – thus Para11(d) engaged – because the standard method came in to play and had a significant effect on the spatial distribution policy strategy, whether or not a 5 YHLS position could be demonstrated (see CD 6.2 at paragraphs 16, 17, and 37). It is common ground in this case also that the standard methodology is also now used. So, regardless of the 5YHLS position, Following the logic of the Wayne Homes decision, the settlement boundaries of the Broadland SA DPD and Policy GC2, which refers and were drawn up against an old housing number, are therefore also out of date.
6.31 Policy 14 (see CD 4.3) says that land will be allocated for residential development. Brundall (and Blofield) is identified for approximately 50 dwellings but with a * meaning they may be considered for additional development.

6.32 Paragraph 6.5.1 of the JCS notes that Brundall: "...has grown as a consequence of its proximity to Norwich, but has limited provision of recreational facilities that needs to be rectified.....It is important to prevent coalescence with the neighbouring large village of Blofield".

6.33 Paragraph 6.5.1 also goes on to say: "Although Brundall has two railway stations and relatively frequent bus services to Norwich, there are more sustainable options for accommodating new housing developments in the Norwich Policy Area; consequently modest housing allocation of about 50 dwellings is proposed”.

6.34 However, it is clear that the requirements of JCS14 have now been set aside and are now out of date. This has been demonstrated in appeal decisions and local decisions, and in the Site Allocations DPD, where it has been determined that the housing provision in Brundall (and Blofield) can vastly exceed 50 dwellings each. This is discussed further below in my consideration of policy GC2.

b) The Broadland Development Management Development Plan Document (CD 4.1)

GC1 – Presumption in Favour of Sustainable Development

6.35 This policy says:

"When considering development proposals the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework....Where there are no policies relevant to the application or relevant policies are out of date at the time of making a decision then the Council will grant permission unless material considerations indicate otherwise – taking into account whether:"
1. Any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the National Planning Policy Framework taken as a whole; or

2. Specific policies in that Framework indicate that development should be restricted.”

6.36 In my judgment GC1 does apply in this matter because “relevant policies are out of date” here for two main reasons. First, the Council cannot demonstrate a 5YHLS. This is set out fully in the evidence of Mr Taylor.

6.37 Second, even if a 5YHLS can be demonstrated, the relevant housing numbers policies and the settlement boundaries in the development plan are out of date in any event. Policies JCS9 and JCS14 are out of date because the numbers are more than 5 years old, and it has clearly been shown that the figure of 50 dwellings in Brundall is obsolete and out of date. Further, the settlement boundaries, which are relevant to how policy GC2 operates, date back to the 2006 Local Plan and were drawn to reflect the far lower housing requirement in the 1999 Structure Plan. These are also obsolete and out of date. This is explained further below.

6.38 The settlement boundaries contained in the 2016 SA DPD date back to the previous policy in the 1999 Norfolk Structure Plan and the 2006 Broadland Local Plan (replacement) (see CD 8.20 and 8.21). These boundaries were drawn to accommodate the period to 2011, 1,166 dwellings. 9 specific allocations were made with some additional windfall allowance. When the 2011 JCS was progressed (CD 4.3), this rolled the plan period on from 2008-2026 and required Broadland DC to allocate sites to deliver 9,690 – 10,080 dwellings, in addition to those already identified and relied upon. The JCS provided general guidance on where development might be accommodated as follows:

**Policy 4 – POST 2008 BDC HOUSING REQUIREMENT (REQUIRED BY JCS)**

<table>
<thead>
<tr>
<th>NPA</th>
<th>9,000</th>
</tr>
</thead>
<tbody>
<tr>
<td>Growth Triangle</td>
<td>7,000</td>
</tr>
<tr>
<td>Smaller Sites</td>
<td>2,000</td>
</tr>
<tr>
<td>Rural Areas</td>
<td>690 – 1,080</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>9,690 – 10,080</strong></td>
</tr>
</tbody>
</table>
6.40 JCS then provides guidance on where generally this is to be met.

**JCS SPATIAL HOUSING STRATEGY**

<table>
<thead>
<tr>
<th>JCS POLICY REF</th>
<th>SETTLEMENT CATEGORY</th>
<th>HIERARCHY</th>
<th>SETTLEMENT</th>
<th>ALLOCATION</th>
</tr>
</thead>
<tbody>
<tr>
<td>Policy 10</td>
<td>Growth Triangle</td>
<td></td>
<td></td>
<td>7,000</td>
</tr>
<tr>
<td>Policy 13</td>
<td>Main Towns</td>
<td></td>
<td>Aylsham</td>
<td>300</td>
</tr>
<tr>
<td>Policy 14</td>
<td>Key Service Centres</td>
<td></td>
<td>Blofield (NPA)</td>
<td>50*</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Brundall (NPA)</td>
<td>50*</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Acle</td>
<td>100-200</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Reepam</td>
<td>100-200</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Wroxham</td>
<td>100-200</td>
</tr>
<tr>
<td>Other villages, service villages,</td>
<td></td>
<td></td>
<td></td>
<td>not given specific allocation numbers</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td></td>
<td></td>
<td></td>
<td><strong>7,700-8,300</strong></td>
</tr>
</tbody>
</table>

*JCS says in these locations more growth can take place.*

6.41 There was no adopted Broadland Local Plan in place to specifically allocate sites post 2011 to follow the JCS requirement. This did not occur until the adoption of the 2016 SA DPD. As a consequence, many speculative applications were made in the absence of an up to date and relevant Local Plan and spatial strategy for Broadland. The SA DPD is, therefore, mainly a record of those speculative schemes approved, rather than a plan for forward allocation of sites.

6.42 A comprehensive review of settlement boundaries does not appear to have taken place. Rather the settlement boundaries of the SA DPD 2016 remain those defined in the 2006 Local Plan, but with speculative sites having secured permission having been "tacked on" to the formal unaltered settlement boundaries. The 2016 settlement boundaries were not therefore a forward-looking consideration of how each
settlement should grow and where best to locate more housing in each settlement. This is then reflected in the often odd and arbitrary new residential estates protruding from settlements. The above is further explained in the following tables.

6.43 **Table 1** (below) identifies those sites that came forward post 2011 and the high-level spatial strategy of the JCS that were not allocated and which were located beyond the settlement boundaries set in the 2006 Local Plan.

### TABLE 1 – RESIDENTIAL SITE ALLOCATIONS FROM SA DPD 2016

<table>
<thead>
<tr>
<th>SA DPD Ref</th>
<th>Units</th>
<th>Consent ref identified in SA DPD</th>
<th>Consent Ref not identified but pre-adoption of SA DPD</th>
<th>Allocation in, straddles or outside settlement boundary</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>NPA Fringe Parishes</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>DRA1</td>
<td>200</td>
<td>2013 0885</td>
<td></td>
<td>Outside</td>
</tr>
<tr>
<td>DRA 2</td>
<td>20</td>
<td>-</td>
<td>-</td>
<td>Inside</td>
</tr>
<tr>
<td>HEL1</td>
<td>300</td>
<td>-</td>
<td>-</td>
<td>Outside</td>
</tr>
<tr>
<td>HEL2</td>
<td>800-1000</td>
<td>2015 1770</td>
<td></td>
<td>Outside</td>
</tr>
<tr>
<td>HEL5</td>
<td>55</td>
<td>2015 2077</td>
<td></td>
<td>Inside</td>
</tr>
<tr>
<td>TSA2</td>
<td>231</td>
<td>2013 0649</td>
<td></td>
<td>Inside</td>
</tr>
<tr>
<td>TSA3</td>
<td>71</td>
<td>2013 0650</td>
<td></td>
<td>Outside</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>1,677-1,877</strong></td>
<td></td>
<td></td>
<td><strong>1,371-1,571 outside</strong></td>
</tr>
<tr>
<td><strong>NPA – Key Service Centres</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>BLO1</td>
<td>175</td>
<td>2011 1303 (appeal)</td>
<td></td>
<td>Outside</td>
</tr>
<tr>
<td>BLO2</td>
<td>22</td>
<td>2012 0910 (appeal)</td>
<td></td>
<td>Outside</td>
</tr>
<tr>
<td>BLO3</td>
<td>64</td>
<td>2013 0296 (appeal)</td>
<td></td>
<td>Outside</td>
</tr>
<tr>
<td>BLO4</td>
<td>75</td>
<td>2012 1587</td>
<td></td>
<td>Outside</td>
</tr>
<tr>
<td>BLO 5</td>
<td>20</td>
<td>2016 1483</td>
<td></td>
<td>Straddles</td>
</tr>
<tr>
<td>BRU1</td>
<td>150</td>
<td>2012 1638</td>
<td></td>
<td>Outside</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>506</strong></td>
<td></td>
<td></td>
<td><strong>486 outside</strong></td>
</tr>
<tr>
<td><strong>NPA – Service Villages</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>GLP1</td>
<td>75</td>
<td>2008 0199</td>
<td></td>
<td>Straddles</td>
</tr>
</tbody>
</table>
### Land East of Memorial Hall, Brundall

#### The Development Plan

<table>
<thead>
<tr>
<th>Code</th>
<th>Name</th>
<th>Year</th>
<th>Location</th>
</tr>
</thead>
<tbody>
<tr>
<td>HOR1</td>
<td>63</td>
<td>2010 0774</td>
<td>Outside</td>
</tr>
<tr>
<td>HOR2</td>
<td>125</td>
<td>2013 0547</td>
<td>Outside</td>
</tr>
<tr>
<td>HNF1</td>
<td>60</td>
<td>-</td>
<td>Outside</td>
</tr>
<tr>
<td>SAL1</td>
<td>20</td>
<td>-</td>
<td>Outside</td>
</tr>
<tr>
<td>SPI1</td>
<td>54</td>
<td>2012 0850</td>
<td>Outside</td>
</tr>
<tr>
<td>Total</td>
<td>397</td>
<td></td>
<td>322 outside</td>
</tr>
</tbody>
</table>

### Main Towns

<table>
<thead>
<tr>
<th>Code</th>
<th>Name</th>
<th>Year</th>
<th>Location</th>
</tr>
</thead>
<tbody>
<tr>
<td>AYL1</td>
<td>250</td>
<td>2011 0128</td>
<td>Outside</td>
</tr>
<tr>
<td>AYL2</td>
<td>300</td>
<td>2011 1453</td>
<td>Outside</td>
</tr>
<tr>
<td>Total</td>
<td>550</td>
<td></td>
<td>550 outside</td>
</tr>
</tbody>
</table>

### Key Service Centres

<table>
<thead>
<tr>
<th>Code</th>
<th>Name</th>
<th>Year</th>
<th>Location</th>
</tr>
</thead>
<tbody>
<tr>
<td>ACL1</td>
<td>120-150</td>
<td>2014 1108</td>
<td>Inside</td>
</tr>
<tr>
<td>ACL2</td>
<td>20</td>
<td>2014 1392</td>
<td>Outside</td>
</tr>
<tr>
<td>ACL4</td>
<td>30</td>
<td>2014 0787 &amp; 2015 2044</td>
<td>Inside</td>
</tr>
<tr>
<td>REP1</td>
<td>100-120</td>
<td>-</td>
<td>Outside</td>
</tr>
<tr>
<td>REP2</td>
<td>20</td>
<td>-</td>
<td>Inside</td>
</tr>
<tr>
<td>WRO1</td>
<td>100</td>
<td>2013 0965</td>
<td>Outside</td>
</tr>
<tr>
<td>Total</td>
<td>220-240</td>
<td></td>
<td>50-70 outside</td>
</tr>
</tbody>
</table>

### Service Villages

<table>
<thead>
<tr>
<th>Code</th>
<th>Name</th>
<th>Year</th>
<th>Location</th>
</tr>
</thead>
<tbody>
<tr>
<td>BUX1</td>
<td>20</td>
<td>2015 0082</td>
<td>Outside</td>
</tr>
<tr>
<td>CAW2</td>
<td>20</td>
<td>-</td>
<td>Outside</td>
</tr>
<tr>
<td>COL1</td>
<td>25-30</td>
<td>-</td>
<td>Outside</td>
</tr>
<tr>
<td>COL2</td>
<td>25-30</td>
<td>-</td>
<td>Outside</td>
</tr>
<tr>
<td>FOU1</td>
<td>14</td>
<td>2013 0929</td>
<td>Outside</td>
</tr>
<tr>
<td>FRE1</td>
<td>10</td>
<td>-</td>
<td>Outside</td>
</tr>
<tr>
<td>GWI1</td>
<td>27</td>
<td>2012 0697</td>
<td>Outside</td>
</tr>
<tr>
<td>LIN1</td>
<td>39</td>
<td>2012 1604</td>
<td>Straddles</td>
</tr>
<tr>
<td>RED1</td>
<td>15-20</td>
<td>2015 1061</td>
<td>Outside</td>
</tr>
<tr>
<td>SWA1</td>
<td>15-20</td>
<td>2016 1643</td>
<td>Outside</td>
</tr>
<tr>
<td>Total</td>
<td>210-230</td>
<td></td>
<td>171-191 outside</td>
</tr>
</tbody>
</table>

#### GRAND TOTAL

<table>
<thead>
<tr>
<th>Code</th>
<th>Name</th>
<th>Year</th>
<th>Location</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>3,560 – 3,800</td>
<td></td>
<td>2,950 – 3,150</td>
</tr>
</tbody>
</table>

---
6.44 Of the 37 allocations made, 18 of them have a specific application/appeal approval number set out under policy. These deliver 2,037 dwellings of the 3,560-3,800 dwellings in total (or 54-57%). Of the 18 sites without a consent reference in the SA DPD permissions, a further 9 allocations could have had their references identified, which amount to a further 1,325 dwellings that were progressed before the SA DPD was adopted. In total, this means 27 of 37 sites were consented before the SA DPD was adopted and 3,362 of the 3,560/3,800 (88-94%) dwellings allocated were already consented before formal allocations and settlement boundaries had been adopted.

6.45 Table 2 (below) shows the persistent undersupply of housing across the joint authorities since 2010-11. From 2014 onwards (following the adoption of the JCS) the spatial strategy intention was to deliver only c.700 dwellings in the Key Service Centres and an unspecified amount in smaller areas (see paragraph 6.40 and table above). However, some 3,846 dwellings have been consented in the “Broadland rural area” since 2014 (according to the AMRs). This is 5.5 times more housing than envisaged or planned for and clearly demonstrates the JCS spatial strategy and associated settlement limits for Broadland are obsolete, irrelevant, and out of date. A similar situation applies for South Norfolk in respect of the integratory of the JCS spatial strategy.

Table 2 – 5YHLS RECORD

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>NPA</td>
<td>3.28</td>
<td>3.39</td>
<td>4.21</td>
<td>4.78</td>
<td>4.39</td>
<td>4.70</td>
<td>6.82</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Broadland rural area</td>
<td>4.15</td>
<td>5.74</td>
<td>9.12</td>
<td>9.99</td>
<td>16.67</td>
<td>28.14</td>
<td>17.11</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>SN rural areas</td>
<td>8.72</td>
<td>10.27</td>
<td>7.95</td>
<td>9.15</td>
<td>16.86</td>
<td>39.80</td>
<td>3.95</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Joint LPAs Total</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>6.54</td>
<td>Appellant 4.38 (LPA 5.89)</td>
</tr>
</tbody>
</table>

6.46 Table 3 (below) goes on to set out some relevant appeal decisions in relation to Blofield, which, like Brundall, is defined as a Key Service Centre in the settlement hierarchy. Appeal decisions (see below Table 3) show how Inspectors determined applications taking into ac State for Communities and Local Government count the high-level spatial strategy set out in the 2011 JCS, in the absence of a Local Plan site allocations and spatial strategy for Broadland.
### TABLE 3 – RELEVANT DECISIONS

<table>
<thead>
<tr>
<th>Settlement</th>
<th>SA DPD Ref</th>
<th>Dwellings</th>
<th>Decision Date &amp; Method</th>
<th>Reports contained in CD</th>
</tr>
</thead>
<tbody>
<tr>
<td>Blofield</td>
<td>Yarmouth Rd (BLO1)</td>
<td>175</td>
<td>Appeal 2013</td>
<td>6.12</td>
</tr>
<tr>
<td>Blofield</td>
<td>Garden Farm (BLO3)</td>
<td>75</td>
<td>Appeal 2014</td>
<td>6.13</td>
</tr>
<tr>
<td>Blofield</td>
<td>Wyngates (BLO4)</td>
<td>64</td>
<td>Appeal 2014</td>
<td>6.15</td>
</tr>
<tr>
<td>Brundall</td>
<td>West of Cucumber Lane (BRU1)</td>
<td>150</td>
<td>Local 2013</td>
<td>6.21</td>
</tr>
</tbody>
</table>

6.47 The Inspector’s decision letter for Yarmouth Road (see CD 6.12) confirms:

1. At 175 units the appeal scheme would not harm the JCS spatial strategy (paragraph 26); and
2. Policies of the 2006 Local Plan Replacement were designed to meet the previous Structure Plan housing targets. With the JCS adopted, the Replacement Local Plan housing policies (2006) were considered out of date (paragraph 28).

6.48 The Inspector’s decision letter for Garden Farm (see CD 6.13) confirms:

1. No evidence exists that the proposal would give rise to an unacceptable imbalance of residents to services (paragraph 12);
2. Blofield and the appeal site are sustainable for residential development (paragraph 13);
3. Blofield would not be changed to disrupt its place in the settlement hierarchy (paragraph 13); and
4. Dwellings delivered above the distribution of 50 to Blofield by the JCS may be acceptably accommodated whilst being consistent with the JCS (paragraph 14).

6.49 The committee report associated with the local approval granted for Land to the West of Cucumber Lane, Brundall (see CD 6.21), notes:

"There are three key factors to consider in assessing whether this application for 150 dwellings should be permitted: (1) that Brundall
is a reasonably sustainable location for some new housing development and has a range of services, facilities and amenities; (2) that the NPA does not have a five year supply of land available for housing; and (3) that the JCS figure of 50 dwellings is a minimum and more dwellings may be needed to contribute towards the 2000 dwellings to be provided in the Broadland part of the NPA that is outside of the proposed Growth Triangle”. (paragraph 9.13)

6.50 Post the adoption of the SA DPD, BDC has continued to approve schemes that are not allocations and which are outside of settlement boundaries. Table 4 (below) provides a list of examples.

**TABLE 4 – VARIOUS APPROVALS POST 2016 OUTSIDE SETTLEMENT LIMITS & NOT ALLOCATED**

<table>
<thead>
<tr>
<th>Address</th>
<th>Dwellings</th>
<th>Settlement Hierarchy</th>
<th>Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>Land at Beech Avenue, Taverham</td>
<td>93</td>
<td>NPA - Fringe Parishes</td>
<td>4 July 2018</td>
</tr>
<tr>
<td>Land west of Salhouse Road, Little Plumstead</td>
<td>84</td>
<td>NPA – Service Village</td>
<td>4 July 2018</td>
</tr>
<tr>
<td>Land East of Pound Lane, Thorpe St Andrew</td>
<td>80-bed care home</td>
<td>NPA – Fringe Parishes</td>
<td>22 August 2019</td>
</tr>
<tr>
<td>Land off Manor Road, Newton St Faiths</td>
<td>69</td>
<td>NPA – Service Village</td>
<td>20 September 2019</td>
</tr>
<tr>
<td>Land at Dawsons Lane, Blofield</td>
<td>12</td>
<td>NPA- Key Service Centre</td>
<td>19 November 2019</td>
</tr>
<tr>
<td>Drayton Old Lodge, Drayton</td>
<td>30</td>
<td>NPA- Fringe Parishes</td>
<td>15 October 2018</td>
</tr>
<tr>
<td>Land &amp; Yarmouth Road, Brundall (Broom Boats)</td>
<td>155</td>
<td>NPA – Key Service Centre</td>
<td>6 March 2018</td>
</tr>
</tbody>
</table>

6.51 The Broom Boats planning committee (see CD 6.19 and 6.20) report confirms that: "**The application is contrary to the development plan in that it proposes residential development outside of the defined settlement limit and on land**
allocated for formal recreation in conflict with GC2 of the DM DPD and BRU2 of the SA DPD.” (paragraph 9.58)

6.52 The committee report goes on to say: “The residential development is adjacent to the existing settlement boundary. Brundall is a Key Service Centre that contains a variety of local services including primary school, doctors, dentist, local shops, restaurants and fast food takeaways, a library, church, and village hall. The residential development would be within walking and cycling distance of these facilities but residents would likely be reliant on motor vehicles for access to secondary education, comparison shopping and sources of employment however the village is served by regular bus and rail services. Furthermore, the proposed supermarket would be within a reasonable walking distance of residential dwellings with good pedestrian and cycle links and would reduce the need for residents to travel further afield for comparable facilities. Taking account of this it is considered that Brundall represents a sustainable location for the scale of residential development proposed.” (paragraph 9.60)

6.53 The preceding analysis shows that the settlement limits set out in 2016 SA DPD, which stem from the 2006 Local Plan, are obsolete and out of date, and that the number of dwellings planned for are also out of date. It is clear that the LPA has permitted many developments outside of these old development limits, and relies on many of these sites in housing supply. Accordingly, even if a 5YHLS cannot be demonstrated, the fact that the appeal site lies outside of these old settlement limits is not a justifiable reason to refuse consent.

6.54 Therefore relevant policies are out of date and policy GC1 is engaged. Policy GC1 provides that in such circumstances where policies are out of date, permission should be granted taking into account whether the impacts significantly and demonstrably outweigh the benefits or whether there are specific policies that indicate that development should be restricted. As I will explain below in more detail and on the basis of the evidence of my colleagues, the benefits of the proposed development are significant and weighty. On this basis, my judgment is that the impacts do not significantly and demonstrably outweigh the benefits and specific policies do not indicate that development should be restricted. Therefore, policy GC1 supports the grant of permission.
GC2 – Location of New Development

6.55 This policy says:

"New development will be accommodated within the settlement limits defined on the policies map. Outside of these 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" (my underlining)

The appeal site does lie outside settlement boundaries. However, my view is that policy GC2 does not require a strict adherence to settlement boundaries, rather it does provide some flexibility. Policy GC2 allows development outside of settlement boundaries, if: 1) it does not result in a significant adverse impact, 2) it accords with a specific allocation and/or it accords with a policy of the development plan. Importantly, in relation to this second criteria, development can be acceptable in the countryside if it is allocated or if the development accords with a policy of the development plan.

6.56 In relation to the first criteria, the proposed development, based on the evidence of myself and my colleagues, does not cause significant adverse effect. On the contrary, the proposed development will bring significant benefits.

6.57 In relation to the second criteria, the proposed development does accord with a “policy of the development plan”, namely policy GC1. As set out above, policy GC1 states that where relevant policies are out of date, permission will be granted unless material considerations indicate otherwise, taking into account whether any impacts significantly and demonstrably outweigh the benefits. In other words, policy GC1 within the development plan becomes the key policy consideration where relevant policies are out of date. Where policy GC1 applies and is satisfied, this is accordance with a “policy of the development plan” for the purposes of the second criteria in policy GC2.

6.58 As I have already explained above, relevant policies here are out of date, firstly because a 5YHLS cannot be demonstrated and secondly because housing numbers and settlement boundaries are out of date and obsolete, therefore policy GC1 applies here. As I have also already explained above, the impacts of the proposed development do not outweigh the significant and weighty benefits, and thus policy
GC1 provides that permission should be granted. It follows that even though the appeal site lies outside settlement boundaries, the proposed development does accord with a “policy of the development plan”, and therefore satisfies the second criteria of policy GC2. Therefore, policy GC2 further supports the grant of consent.

6.59 This application of policy GC2 was exactly the approach taken by the Inspector in the Racecourse Plantation appeal decision (see CD 6.14). In that appeal decision, the appeal site also lay outside settlement limits. That Inspector found that policy GC1 was a “policy of the development plan” referred to in policy GC2. She found that relevant policies were out of date, and that the proposed development in that appeal complied with GC1, and therefore also accorded with the second criteria of policy GC2.

6.60 It is also relevant that the supporting text to the policy confirms that the purpose of the policy is to direct development to sustainable locations. As I have set out above, Brundall is a sustainable location with accessibility to services and facilities, and this is not a matter of dispute between the Appellant and the LPA.

6.61 If my view about the interpretation of policy GC2, as I have explained above, which is that GC2 has some flexibility and should be read alongside policy GC1, even though the settlement limits and housing numbers are out of date/obsolete, is wrong, and development can only be provided within settlement limits or allocations, then I consider policy GC2 to be totally out of date and obsolete because the settlement limits carry no weight.

GC4 – Design

6.62 This policy is a criteria-based policy that says:

"Development will be expected to achieve a high standard of design and avoid any significant detrimental impact...."

6.63 I set out below each of the policy criteria and then say how the appeal scheme responds. Proposals are expected to "...pay adequate regard to:"

1. The environment, character and appearance of an area;
2. **Reinforcing local distinctiveness through careful consideration of the treatment of space throughout the development, the appearance of new development, the scale of new development and landscaping;**

6.64 The accompanying DAS explains how an acceptable scheme can be achieved as part of the reserved matters approval process.

3. **Meeting the reasonable amenity needs of all potential future occupiers;**

6.65 The officer committee report confirms at paragraphs 4.28, 5.9 and 5.48-5.62 that the appeal scheme significantly exceeds policy requirement. It is confirmed the scheme is for 10ha of open space plus open space and children’s play space associated with the residential development itself. The council say that the scheme, applying policy, would require provision equating to £978,636. The Council notes that the appeal scheme, actually proposes £3,925,000 and is viewed as a significant benefit falling in the favour of the scheme.

6.66 The committee report notes at paragraphs 5.41-5.46 that the appeal scheme will contribute the required level of CIL contributions. In this way officers consider advise at paragraph 5.101 that:

"**notwithstanding the objections raised by local residents it is considered that local services have adequate capacity or contributions can be made to mitigate the impact of development where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise, and reasonable in all other respects.**"

4. **Considering the impact upon the amenity of existing properties;**

6.67 Paragraph 3.16 of the officer's committee report confirms that since the application is majority on outline there is no reason to think that at reserved matters stage policy compliance will not be achieved in respect of residential amenity. The illustrative masterplan shows one way a development parameters compliant scheme might come forward and shows acceptable protect for existing residents adjoining the site.
5. Making efficient use of land and resources;

6.8 Paragraphs 5.25-5.27 of the officer’s committee report confirm that the application proposal is acceptable in terms of layout and density and that it makes an efficient use of land and resources.

6. Being accessible to all via sustainable means including public transport;

6.9 The identification of Brundall as a Key Service Centre in the JCS, Allocation BRU1, and the Broom Boats consent all show that Brundall is a sustainable location for residential development. This is not a matter of dispute in the reasons for refusal. As noted already, Brundall has two train stations, frequent buses, and is only 6.5m from Norwich. Brundall has facilities including supermarket, medical centre, primary school, pub, church, hairdressers etc within the village. Brundall and the appeal site itself is therefore well located to residents being able to work, facilities, and services by means other than the car.

7. Creating safe environments addressing crime prevention and community safety;

6.70 Pre-application discussions on design, the DAS, and the officer’s committee report all confirm that the appeal scheme is capable of being suitably laid out at the reserved matters stage.

8. Incorporating appropriate infrastructure linking to the surrounding area;

6.71 A major benefit of the appeal scheme is its ability to provide new green infrastructure and to provide and link up with existing pedestrian and cycle routes. This will enable parts of the village to be more conveniently linked up with each other. For example, the new country park will enable linkages with Creamers Meadow. The appeal scheme will link the neighbourhood green and the country park to the artificial pitch to be provided at BRU2 via pedestrian and cycle ways.

The creation of sustainable, inclusive and mixed communities;

6.72 The appeal scheme proposes 33% affordable housing in the tenure mix the LPA seeks. The unit types will be brough forward under the reserved matters. The open spaces will be designed and delivered via the reserved matters process. It is considered the
scheme components and commitments made an the outline stage will ensure an inclusive and mixed community, encouraging wider interaction with the existing village, will be achievable.

9. Minimising resource and energy consumption and how it is located and designed to withstand the longer term impacts of climate change.

6.73 The locational characteristics of the site are agreed to represent sustainable development. Conditions are proposed to control the approval of reserved matters to ensure that the layout, materials, and energy strategy results in an acceptable scheme that achieves a suitable response to the impacts of climate change.

EN1 – Biodiversity and Habitats

6.74 This policy says:

"Development proposals will be expected to protect and enhance the biodiversity of the district, avoid fragmentation of habitats, and support the delivery of a co-ordinated green infrastructure network throughout the district."

6.75 The policy is supported by the East Broadland Green Infrastructure Project Plan (see extracts in CD 3.2). In the supplementary Schedule of papers to the officers committee report (see CD 3.2) on page 105 it is noted that the Project Plan focuses on the area primarily between Great Plumstead and Acle and the surrounding settlements. It is noted the plan was complied (in 2015) by Norfolk County Council on behalf of Broadland to support the delivery of potential Green Infrastructure projects for the short, medium and longer term. It is noted that in addressing housing growth green infrastructure has a "vital role in providing for and enhancing the new and existing links and green spaces for people and wildlife".

6.76 It is confirmed that both Brundall and Blofield Neighbourhood Plans fed into the study and 16 projects were put forward for prioritisation in the short to medium term. Project 10 - Whitton Run GI Project, is particularly important, it is said, as it provides the ability to bring this particular project forward. Attached at CD 3.2 are some extracts from the Project Plan. The diagram at Appendix 5 shows how the appeal
proposal’s country park would extend and link up the “Blofield and Brundall Exploring Broadland Trail” and connect up existing PROWs. The plan also shows Creamer’s Meadow and how the appeal scheme’s country park could link to this.

6.77 The Project Plan notes that the Whitton Run (the appeal scheme includes this) is: 
“...a crucial green infrastructure corridor in the East Broadland region.” It goes on by saying:

"The Whitton Run forms a vital GI link between Brundall and Blofield, two important areas for growth due to their high proportion of housing allocation in comparison to the rest of the East Broadland area. Hence, public access closer to the Whitton Run would likely attract walkers, including dog walkers, from new developments. It will increase walking provision in Brundall and blofield parishes as discussed in the retrospective neighbourhood plans and access to areas of significant biodiversity interest. It makes space for Wildlife, Theme 2 of the GI strategy (GNDP, 2007), by safeguarding valued and sensitive wildlife sites by drawing visitors to an area of relatively higher visitor carrying capacity, while facilitating managed access for education and enjoyment of the natural environment”.

6.78 The appeal scheme will provide the option for the community (via the land being transferred to the Council) to own outright 7ha of land along the Whitton Run to implement Project 10, free of charge, and to receive substantial funds for improvements and maintenance of the space in perpetuity. The appeal scheme therefore enables what is identified as being an objective that the Neighbourhood Plan and Local Plan want to deliver.

EN2 – Landscape

6.79 This policy says:

"In order to protect the character of the area, development proposals should have regard to the Landscape Character Assessment SPD and, in particular, consider any impact upon as well as seek to protect and enhance where appropriate:

1. Gaps between settlements;"
2. Visually sensitive skylines, hillsides and valley sides and important views including the setting of the Broads Area;
3. Nocturnal character;
4. Conservation Areas;
5. Schedules Ancient Monuments; and
6. Historic Park and Gardens; and
7. Green spaces including natural and semi-natural features as well as geological/geomorphological features which make a significant contribution towards defining the character of an area.”

6.80 My colleague, Mr Chard, addresses this policy in his evidence. His conclusion is that the appeal proposals are not out of character and would not constitute incongruous features in the landscape. On the contrary, Mr Chard considers the proposals positively respond to the local context in a number of aspects including maintaining a sufficient gap between Blofield and Brundall, scale, design and siting. He notes that the analysis of the contextual palette of materials demonstrates an understanding of the local character, which has been responded to appropriately by the proposals. The scale of the proposals are considered to maintain a sensitive approach in response to the local character, ensuring that the storey heights of the development proposals are not out of character with the existing surrounding development.

6.81 Mt Chard goes on to note that the Townscape Contextual Analysis Response further supports his own local townscape character assessment that the development proposals would not constitute incongruous features within the landscape; rather that they would actually maintain and reinforce the local character of the area.

EN3 – Green Infrastructure

6.82 This policy says:

"All development will be expected to maximise opportunities for the creation of a well-managed network of wildlife habitats.

Residential development consisting of five dwellings or more will be expected to provide at least 4ha of informal open space per 1,000 population and at least 0.16ha of allotments per 1,0000 population."
Development will also be expected to make adequate arrangements for the management and maintenance of green infrastructure.”

6.83 As noted under my response to Policy EN1, the appeal scheme provides substantial green infrastructure benefits (10ha). The scheme proposes a framework and funding to maximise the creation of well-managed wildlife habitats in the 7ha country park. In addition, the scheme provides for more formal recreation, if desired, in the 3ha neighbourhood green part of the scheme. The S106 Agreement includes the requirement for and mechanism to ensure that Green Infrastructure for the residential scheme itself is provided in accordance with policy and the recreation provision SPD (CD 4.6).

CSU1 – Additional Community Facilities

6.84 This policy says:

“Proposals which improve the range of community facilities and local services available within the district will be encouraged where no significant adverse impact would arise. Such proposals may be permitted outside settlement limits where it has been adequately demonstrated that a clearly defined need exists.”

6.85 The Development Plan identifies that GI is needed in Brundall. The appeal scheme provides a framework for community ownership of 10ha of land. The intention is to enable the community, should it wish to, to have control over the design and delivery of new community facilities in the 10ha of land that will be offered for public ownership. The appeal scheme will provide up to £900,000 (indexed linked) of funding for the community to lay out, equip and maintain the open space. Since there is a Neighbourhood Plan in place the Parish Council will receive 25% of CIL funding, which could be a further £250,000. Combined, over £1m of investment and 10ha of free land is available as part of the appeal scheme. The opportunity is, in my view, meaningful and can deliver significant benefits to the whole of Brundall village, in accordance with the aims and objectives of the development plan. In addition, if the community want to own the 10ha of land then since it adjoins existing community facilities at the Memorial Hall and at Creamers Meadow, all the spaces could be planned together to extract even more benefits.
RL1 – Provision of Formal Recreation Space

6.86 This policy says:

"Residential development consisting of five dwellings or more will be expected to make adequate provision and subsequent management arrangements for recreation. The provision of formal recreation should equate to at least 1.68ha per 1,000 population and provision of children’s play space should equate to at least 0.43ha per 1,000 population”

6.87 It is common ground that the appeal scheme complies and exceeds this policy. The illustrative masterplan shows the location of a central green with children’s play space within the residential development area of the appeal scheme. This is in addition to the neighbourhood green and country park proposals. The S106 Agreement confirms.


BRU3 – Land East of the Memorial Hall, Brundall (approx.4.9ha) is allocated for recreational open space

6.88 This site allocations policy is applicable to part of the appeal site (as shown in Appendix 6). The Policy says:

"Guidelines for the development:

It will need to comply with relevant policies in the Development Plan and the National Planning Policy Framework.

Vehicular and pedestrian access from Links Avenue with adequate car parking provision via existing access.

Contributions may be required for a pedestrian crossing scheme at The Street/Braydeston Avenue.

Adequate landscaping and green infrastructure should be provided with a particular emphasis on retaining existing trees and hedging where possible.

A sustainable drainage system (SUDS) should be provided to serve any development."
Pollution control measures will be required to mitigate the impacts of any development on the Whitton Run and Source Protection Zone (3).

Further investigation in respect of archaeology may be required.

The open space will be for formal uses such as playing pitches, together with more informal recreation such as walks, jogging track etc.”

6.89 The appeal scheme provides for 3ha of the BRU3 allocation to be used for the purposes set out in policy BRU3 (see Plan at Appendix 7). In addition, a further 7ha of recreation space is included in the appeal scheme. So whilst the appeal scheme does not provide for the 4.9ha of BRU3 geographically on all the site allocated, the appeal scheme provides more quantitative recreation space than BRU3 requires (5.1ha more) and only 1.9ha of the specific BRU3 allocation is not met. In other words:

1. The appeal scheme provides 105% more green infrastructure than BRU3 allocates (10/4.9);
2. The appeal scheme provides 61% of the recreation space within the site allocated for it by BRU3 (3/4.9); and
3. The appeal scheme also provides additional green infrastructure required by the development of up to 170 dwellings itself within the zone identified for housing development.

6.90 The 2006 Local Plan (Replacement) Proposals Map for Brundall identifies part of the appeal site as Allocation “BRU1”, which has been carried forward into the 2016 SA DPD as Policy Allocation BRU3. Therefore, the desire to provide meaningful open space in Brundall on part of the appeal site has been an objective since the early 2000s. Up until the appeal scheme there has been no prospect of this long-held objective coming to fruition. It is noted that the Parish Council has on several occasions (including February 2020) secured a change of use planning permission for the BRU3 site from agriculture to recreation but has not been able to deliver this. The appeal scheme could deliver on this long-held policy aspiration for Brundall and Broadland, which would be a significant benefit. If the opportunity presented by the appeal scheme is not taken then the prospects of the site remaining in agricultural use are very high and the desire for recreational land at Brundall to compliment housing that has already been built will remain under-achieved.
6.91 I am aware of the Parish Council’s comments about the usability and suitability of the open space, specifically the “country park” forming part of the appeal scheme, but I do not recognise the description put forward. From the site visit the Inspector will see that the 10ha of recreation space provides substantial usable open space for formal and informal activities and areas to protect and enhance biodiversity, and is configured in such a way as to create new and useful pedestrian and cycle links connecting to other parts of the village and to Blofield. It is further relevant that BRU3 focusses on formal and informal recreation space.

6.92 My view is, therefore, that the appeal scheme partially does not strictly accord with the BRU3 physical allocation because it does not provide 100% of BRU3 as recreational space. However, when seen in the round, the package on offer in the appeal scheme, which provides 205% of what BRU3 requires meets and exceeds the objectives underlying allocation BRU3. This very similar issue was addressed by the LPA in the Land at Yarmouth Road consent, where 155 dwellings, supermarket and open space was granted permission on a site allocated for open space at allocation BRU2. As set out by the LPA then, “The purpose of BRU2 was to assist in the provision of formal recreation provision in Brundall to help address a shortfall in provision. The fundamental question to be considered is therefore the extent to which the proposal might prejudice this underlying purpose” (see paragraph 9.16 at CD 6.19) Further, it was the LPA’s position then that the weight given to BRU2 should be reduced (see paragraph 9.12 at CD 6.19) and there is no reason why the same would not apply here. Therefore, I consider that the appeal scheme is overall consistent with development plan policy in respect of green infrastructure and BRU3.
c) The Brundall Neighbourhood Plan 2016

BNP2 – Walking and Cycling Routes

6.93 This policy says:

"The Plan seeks to provide Brundall with an improved and joined-up network of high-quality footpaths and cycleways to help residents and visitors move around more easily and safely on foot or bicycle and reduce reliance on the private car for local trips.

Specifically, the plan supports the provision of a continuous orbital route and comprehensive high-quality network around the village linking up:

- The new allotments, new Brundall Countryside Park on Postwick Lane and Gardens Marina in the south west with Brundall Riverside in the south east.
- Postwick Lane in the north-west with Lackford Run in the north-east”.

6.94 The Plan at Appendix 5 shows how the appeal site fits into and supports and enhances access across the village. The appeal scheme is already identified via the East Broads GI Project Plan and project 10 – Whitton Run as being an important part of green infrastructure delivery for Brundall. The appeal scheme can deliver these benefits and assist in delivering an orbital route and thereby responds to policy 2 positively.

BNP3 – Important Views

6.95 The Policy says:

"The Plan seeks to protect and enhance the views to the north east from the Memorial Hall and to the south from St Michaels Church....Any development or alterations to an area within the these views must ensure that key features of the view can continue to be
enjoyed including distant buildings, areas of landscape and the juxtaposition of village edges and open agricultural countryside.”

6.96 This policy clearly envisages that development can take place in areas within important views, it is not a ban on such development. Rather the requirement is for key features of the view to continue to be enjoyed. Through the evolution of the scheme design and amendments made to the Development Parameters, the LPA officers were content that the appeal scheme protected the view from the Memorial Hall to Blofield Church. The evidence of both my colleagues Mr Chard and Ms Burton confirm that it their view the landscape and heritage considerations are variously respected and enhanced, and that this policy is also complied with.

**Conclusion on compliance with the Development Plan as a whole**

6.97 As set out in the analysis above, overall the proposed scheme complies with the Development Plan as a whole. Therefore, the decision in accordance with the Development Plan would be to grant permission, unless material considerations indicate otherwise.
7.0 MATERIAL CONSIDERATIONS

NPPF (2019)

7.1 A number of NPPF objectives are relevant to the appeal scheme. These are as follows.

7.2 The purpose of the planning system is to contribute to the achievement of sustainable development (paragraphs 7 and 8). The appeal scheme is in a sustainable location and does contribute to the three strands of sustainable development.

7.3 Plans and decisions should apply a presumption in favour of sustainable development (paragraph 11). Mr Taylor has shown that the LPA cannot demonstrate a 5YHLS. Therefore, the most important policies are out of date and “tilted balance” in paragraph 11 of the NPPF is engaged. Further, as set out above, regardless of 5YHLS, the most important policies are still out of date because the housing numbers and settlement boundaries in the development plan are out of date. On this basis also, the “tilted balance” in paragraph 11 of the NPPF is engaged.

7.4 I note that my analysis above on policy GC2 is partly based on policy GC2 and GC1 in the DM DPD being read together to provide the required flexibility for development outside obsolete settlement boundaries, as was the approach of the Inspector in the Racecourse Plantations appeal decision. However, if it is found (contrary to my view) that policy GC2 remains applicable and requires strict adherence only to development within settlement boundaries and allocations, and does not permit housing development in the countryside, then my judgment is that policy GC2 is inconsistent with the NPPF and is out of date. Such an overly strict approach in GC2 would be contrary to the requirement to significantly boost the supply of housing (paragraph 59). It would also be akin to protecting the countryside for its own sake, which is not endorsed by the NPPF. Further, it would be inconsistent with the aims of building housing to enhance or maintain the vitality of rural communities (paragraph 77 and 78).

7.5 The most important policies are out of date, meaning that paragraph 11 of the NPPF states that permission should be granted unless the impacts significantly and demonstrably outweigh the benefits, or there is a clear reason for refusal. In my judgement the impacts come nowhere close to significantly and demonstrably
outweighing the benefits, and there is no clear reason for refusal (as explained below, even if there is any heritage impact, this would be outweighed by the public benefits).

7.6 LPAs should approach decisions on proposed development in a positive and creative way. Decision makers at every level should seek to approve applications for sustainable development where possible (paragraph 38). The appeal proposal is for sustainable development.

7.7 Significant weight should be placed on the need to support economic growth and productivity (paragraph 80). The appeal proposal will provide significant economic benefits by way of jobs, CIL and New Homes Bonus, and increased spending by further residents to support the economy of Brundall.

7.8 Planning decisions should aim to achieve healthy, inclusive and safe places, which promote social interaction, provision of safe and accessible green infrastructure, sports facilities, and layouts that encourage walking and cycling (paragraph 91). The appeal scheme will deliver a healthy, inclusive and safe place.

7.9 Planning decisions should plan positively for provision of community facilities (including sports venues and open spaces) to enhance the sustainability of communities and encourage an integrated approach to considering the location of housing, economic uses, and community facilities and services (paragraph 92). The appeal scheme will provide new community facilities and enhance the sustainability of Brundall village.

7.10 Access to a network of high-quality open spaces and opportunities for sport and physical activity is important for the health and well-being of communities (paragraph 96). The appeal scheme will provide new access for the entire village of Brundall to open space.

7.11 Planning decisions should encourage multiple benefits mixed use schemes and taking opportunities to achieve net environmental gains such as development that would enable new habitat creation or improve public access to the countryside (paragraph 118). The appeal scheme will deliver multiple benefits including housing, new public open space, sport and recreation provision, new cycle and pedestrian accesses linking to the existing network, and new habitat creation and access to the countryside.
7.12 Where there is less than substantial harm to heritage assets this must be balanced against the public benefits (paragraph 196). On the basis of the evidence of Ms Burton, there is no less than substantial harm and therefore this paragraph is not engaged. Nevertheless, even if there were less than substantial harm, as explained by Ms Burton in the alternative, this would be a very low level of less than substantial harm (i.e. negligible harm). In such a case, any heritage harm should be given great weight. However, given the significant number of substantial public benefits of the appeal scheme (which are set out fully below), any such heritage harm would be far outweighed by the public benefits.

Emerging Local Plan

7.13 Broadland Norwich and South Norfolk are progressing a single Joint Local Plan – The Greater Norwich Local Plan. It is to have a plan period of 2018-2028, once adopted. A Regulation 18 consultation ended in March 2020. The appeal site has been promoted through the consultation process.

7.14 The approach is to plan for the minimum housing requirement set out by the standard methodology and to not plan for anymore, even though acknowledging that the Framework encourages this. What is more, as Mr Taylor notes, the August 2020 proposed changes to the Standard Methodology change the requirement for housing in the joint authorities as follows:

<table>
<thead>
<tr>
<th></th>
<th>Existing</th>
<th>Proposed</th>
<th>Change</th>
<th>% Change</th>
</tr>
</thead>
<tbody>
<tr>
<td>Broadland</td>
<td>517</td>
<td>922</td>
<td>+405</td>
<td>+78%</td>
</tr>
<tr>
<td>Norwich</td>
<td>598</td>
<td>502</td>
<td>-96</td>
<td>-16%</td>
</tr>
<tr>
<td>South Norfolk</td>
<td>893</td>
<td>1,832</td>
<td>+939</td>
<td>+105%</td>
</tr>
<tr>
<td>Combined Authorities</td>
<td>2,008</td>
<td>3,256</td>
<td>+1,248</td>
<td>+62%</td>
</tr>
</tbody>
</table>

7.15 The plan is to accommodate 44,343 dwellings made up of 36,505 existing consented units and allocations for 7,840 new dwellings. If the changes to the Standard Methodology come into force, then clearly these figures will need to be substantially increased (by +62%).
7.16 The settlement hierarchy is defined as:

1. Norwich urban area and fringe parishes;
2. Main towns;
3. Key service centres (including Brundall); and
4. Village clusters.

7.17 The adopted JCS and SA DPDs, Growth Triangle AAP, and Neighbourhood Plans set out where 82% of the housing requirement will be delivered. Of the 18% left to allocate (7,840) only 515 are proposed for Key Service Centres (including Brundall). That is 6.5% of new allocations proposed for Key Service Centres.

7.18 Paragraph 334 notes for Key Service Centres the high amounts of existing commitments granted over the last 10 years or so and environmental and infrastructure constraints limit the potential for additional housing growth at 5 of the centres, including Blofield and Brundall. The other 4 centres will be the focus for delivering the 515 new allocations.

7.19 Objections have been made to the emerging Local Plan and to the evidence base, including the sites assessment for sites put forward as potential development sites. In respect of the appeal site, it is clear that the site is available and suitable for development, and the evidence base confirms this. Even though the appeal site has not been identified for development, the emerging plan confirms that “the 8% proportion of new housing in key service centres could be increased as many reasonable alternative sites have been proposed in key service centres.” In the circumstances where the Standard Methodology changes, if introduced, will increase the housing target to be accommodated by 62%, many of the sites not presently allocated, although confirmed as suitable for allocation, are likely to need to be identified for development in the next version of the draft JCS. It is unclear why the appeal site has not already been proposed for allocation, as the reasons for not including it (concern over environment, traffic etc) do not apply. It is not excluded because it is not a sustainable site for development, and therefore we consider the appeal site may well be relied upon in the emerging JCS, irrespective of the outcome of this appeal.

7.20 Clearly the emerging Local Plan is contested, is not at an advanced stage and carries very limited weight for the purposes of this appeal determination according to paragraph 48 of the NPPF.
Conclusion on material considerations

7.21 My judgment is that the most important policies are out of date, firstly because a 5YHLS cannot be demonstrated, and secondly because the housing numbers and development limits are out of date. Therefore, the tilted balance in paragraph 11 of the NPPF is engaged. The impacts of the proposed development come nowhere close to significantly and demonstrably outweighing the benefits and there are no clear reasons for refusal. This strongly supports the grant of consent. As set out above, there are also many other paragraphs in the NPPF that strongly support the grant of consent.

7.22 Therefore, the proposed development complies with the development plan when considered as a whole, and material considerations (including the NPPF) firmly further support the grant of permission. In the alternative, if it is found that the proposed development conflicts with the development plan (including importantly policy GC2 because the settlement limits remain valid and there is no 5YHLS shortage), then my view is that material considerations clearly indicate otherwise than the Development Plan, and strongly support the grant of consent.
8.0 PLANNING BALANCE

8.1 As is set out above, my view is that the proposed development complies with the development plan when considered as a whole. In particular, the Council cannot demonstrate a 5YHLS and relevant policies are out of date, and therefore in accordance with policy GC1 of the DM DPD planning permission should be granted. Further, even if a 5YHLS can be demonstrated, because housing numbers and development limits are out of date, and therefore the decision, in accordance with the Development Plan, particularly policy GC1, would be to grant permission. Material considerations (particularly paragraph 11 of the NPPF) further support the grant of consent.

8.2 In the alternative, if it is found (contrary to my view) that the proposal is contrary to the development plan, my view is that material considerations do indicate otherwise, and indicate that permission should be granted. This would be either on a tilted balance or the flat balance.

8.3 In relation to the planning balance, I have set out above that I consider that the planning balance is a “tilted” one. However, even on a “flat” balance, it is clear that the benefits far outweigh the impacts.

Benefits

1. Provision of market housing. Even if there is a 5YHLS, which I consider not to be the case, housing delivery still attracts significant weight because government policy is about significantly boosting housing supply. The housing requirement in Broadland is a minimum not a maximum/ceiling, and it is highly relevant that the LPA has a significant historic under-supply (as evidenced by Table 2 under my evidence to Policy GC2 above) and the proposed changes to the Standard Methodology significantly increase both Broadland and the joint authorities housing requirement;

2. Affordable housing provision. The appeal scheme will immediately deliver affordable housing as part of the hybrid application approach. It will deliver 33%, which is 5% more than policy requires, and deliver a total of 56 units in the tenure and mix the LPA requires. This provision should be seen in the context of affordable housing delivery performance to date. The Greater Norwich Growth Board has produced annual monitoring reports (AMRs)
alongside its JCS since 2010/11. The AMRs show that for the period 2008/09 – 18/19 the JCS area has delivered 4,471 affordable units. The annual requirement is identified as being 561 units giving a total of 6,171 units. Therefore, there is a shortfall in provision of 1,700 affordable housing units. The appeal proposal will make immediate provision helping to reduce the slippage. This benefit has significant weight.

3. Formal recreation space. The adopted JCS confirms that Brundall is insufficiently supplied by formal and informal recreation space. The evidence of the Parish Council confirms this. Policy BRU2 has only partially been delivered through the inclusion of residential and commercial development and 85% of the allocation in quantitative terms is not going to be provided. Up until the appeal scheme BRU3 has not been delivered upon. The appeal scheme will deliver 61% of the quantitative allocation and could meet the need, as identified by the Parish Council, of hosting a cricket pitch. This benefit is of significant weight.

4. Green infrastructure. The Development Plan supports the delivery of green infrastructure. The East Broadland GI Project Plan identifies the importance and opportunity of the appeal scheme to significantly contribute to the ecological, biodiversity and human recreational gain. The Country Park extends to 7ha and has the ability to quantitatively make up the quantitative short fall in provision at BRU2 and BRU3, which is a benefit of significant weight.

5. Development in a sustainable location. Brundall and the appeal site itself is a highly sustainable location for residential development being close to existing village facilities and easily accessible to Norwich by public transport. This has significant weight.

6. Jobs and economic benefits. The direct and indirect jobs associated with 170 dwellings is c.187. This is based on Oxford Economics data base that confirms that there are about 33m jobs in the UK and 29m homes (giving a 1.1:1 ratio). This benefit carries significant weight.

7. Improving the sustainability of Brundall. The introduction of new residents on dwellings in the proposed development would lead to far increased spending associated with new residents for the health of local business and further
promoting the sustainability and vitality of Brundall, which is a benefit of significant weight.

8. CIL and New Homes Bonus. The CIL contribution could be c.£1.5m split between BDC and Brundall Parish Council. The NHB contribution is c.£0.3m split between Broadland District and Norfolk County councils. Again, this has significant weight.

Impacts

8.4 Against these benefits I can find no unacceptable adverse impacts. None of the issues raised solely by third parties result in any material harm. As to the issues raised by the LPA, in relation to landscape, Mr Chard has found the majority of landscape and visual effects to be minor, negligible and neutral. I attribute limited weight to any such harm.

8.5 In relation to heritage, Ms Burton has found that there would be no harm caused to significance, and therefore no heritage harm to be weighed into the planning balance. As set out by Ms Burton, in the alternative even if there was harm as alleged by the LPA (contrary to her own view), this would be at the very bottom end of less than substantial harm (i.e. negligible harm). In accordance with policy, if such harm were found I would attribute great weight to this, but as explained above this harm would be far outweighed by the public benefits.

Conclusion

8.6 My conclusion is therefore that the benefits of the scheme substantially outweigh any impacts, whether viewed from either a flat or tilted balance perspective. The scheme is consistent with the Development Plan when viewed as a whole and promotes development in sustainable locations and will bring material and meaningful improvements.
9.0 SUMMARY & CONCLUSIONS

9.1 My summary of the context for this appeal and the conclusion it leads me to is as follows. This section also forms my Summary Proof of Evidence.

9.2 The application is in hybrid form. Full permission is sought for phase 1 (23 dwellings) and outline permission for up to 147 further dwellings, open space, and associated development. The description of development is:

"Outline planning application 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."

9.3 The appeal scheme proposes a combination of:

1. Residential development (170 dwellings);
2. Neighbourhood/Central Green (3ha); and
3. Perimeter Country Park (7ha).

9.4 The appeal scheme proposes the following:

1. Up to 170 dwellings;
2. 33% (56 units) of affordable housing, which is 5% (9 units) more than required;
3. Associated green infrastructure, open space and equipped children’s play space etc., as part of the residential scheme;
4. Provision of the appropriate CIL financial contribution to support local facilities, such as health and schooling;
5. Enhancements to the A47/Cucumber Roundabout that will not only facilitate the appeal scheme but will also improve this junction for all residents of Brundall;
6. A 3ha “Neighbourhood Park” for wider village use, which could either be developed in isolation or as part of the adjoining Memorial Hall facilities. New facilities could provide for both formal and/or informal recreation.
7. A 7ha new “Country Park” for wider village use, which could deliver informal recreation opportunities, including walking, cycling, picnicking etc., and provide ecological and biodiversity enhancements, including enhancement/protection of areas that could be expected to have less human engagement; and

8. A mechanism, set out in the S106 Agreement, to allow various choices to be made as to how the neighbourhood park and the country park might be laid out, equipped, managed and owned, enabling, as a preference, for the local community to have ownership and control over these spaces. The S106 Agreement provides for the provision of £900,000, indexed linked, to be used to design, build out, and maintain the sites in public ownership, if that is the preferred outcome.

9.5 The main issues for the inquiry are, in my view:

1. Whether the appeal proposal complies with the Development Plan as a whole;
2. Whether the Council can demonstrate a 5YHLS;
3. Whether the Development Plan is up to date;
4. Whether the landscape impact of the scheme is acceptable;
5. Whether the heritage impact of the scheme is acceptable; and
6. Whether material considerations exist, and what the overall planning balance judgement should be, taking account of both benefits and harms, leading to whether planning permission should be granted for the appeal.

9.6 I go through each issue below.

1. Compliance with the Development Plan

9.7 The Development Plan comprises:

1. The Joint Core Strategy for Broadland, Norwich and South Norfolk (amendments adopted 2014) (JCS);
2. The Broadland Development Management Development Plan Document 2015 (DMDPD);
3. The Broadland Site Allocations Development Plan Document 2016 (SADPD); and
9.8 My evidence is that the appeal scheme does comply with the Development Plan when considered as a whole. The proposals are wholly in accordance with the following policies:

- JCS: 1 – addressing climate change and protecting environmental assets;
- JCS: 2 – promoting good design (see also Mr Chard’s and Ms Burton’s evidence);
- DM DPD GC2 – location of development (because this policy is out of date because a 5YHLS cannot be demonstrated, and because if it were to apply, it does not require strict adherence to settlement limits or allocated sites);
- DM DPD GC1 – Presumption in favour of development (only relevant if policy GC2 is considered out of date and, in which case, GC1 is wholly complied with);
- DM DPD: GC4 – design
- DM DPD: EN1 – biodiversity and habitats
- DM DPD: EN2 – landscape (see Mr Chard’s evidence)
- DM DPD: EN3 – green infrastructure
- DM DPD: CSU1 - additional community facilities
- DM DPD: RL1 – provision of formal recreation space
- BNP: 2 – walking and cycling routes
- BNP: 3 – important views (see Ms Burton’s evidence)

9.9 The proposal is partially consistent with, but not strictly fully consistent with:

- SA DPD BRU3 – land east of Memorial Hall. This is because whilst the proposal provides 10ha of open space and BRU3 only requires 4.9ha, the proposed open space land does not overlap entirely with the allocation.

9.10 Taking the above analysis into account, in my view, the decision, in accordance with the Development Plan as a whole, would be to grant permission.

9.11 Alternatively, if it is found that the proposal does not comply with the Development Plan (contrary to my primary view), then my view is that material considerations indicate otherwise, and that permission should be granted, as I explain further below.
2. Whether the Development Plan is Up to Date

9.12 The Council is unable to demonstrate a 5YHLS. Consequently, under paragraph 11 of the NPPF, their spatial housing strategies are considered to be out of date. Therefore, the presumption in favour of granting planning permission has been engaged, in my view. Policy GC1 of the DM DPD reflects the NPPF paragraph 11 guidance.

9.13 The appeal site does lie outside of, but adjoining, the defined Brundall settlement boundary. Even if there is some dispute about the 5YHLS position, my clear view is that these settlement boundaries, which are important to how policy GC2 is to operate, are now out of date and obsolete. This is because:

1. They date back to the 2006 Local Plan (replacement), which were defined for the far lower housing provision required under the 1999 Structure Plan;
2. The 2016 SA DPD became a backward-looking list of already approved planning permissions for ad-hoc sites that were then “tacked-on” to the 2006 settlement boundaries; and
3. BDC is permitting planning permissions for sites that site outside the settlement boundaries and are not allocated for development.

9.14 Settlement boundaries are referred to via policy GC2. My view is that the correct interpretation of policy GC2 is that it does not require strict adherence to settlement limits or a strict adherence to only allocated sites, rather it does contain flexibility to allow housing outside these limits. If this is the correct interpretation (which I think it is) then Policy GC2 remains relevant and up to date, despite settlement limits being out of date and obsolete. As I explain fully above, my view is that the appeal proposal complies with Policy GC1 which is a “policy of the development plan” referred to in GC2. This was the approach followed by the Inspector in the Racecourse Plantations appeal decision.

9.15 If I am wrong and policy GC2 does only permit housing strictly within settlement limits and allocations, then this approach would not be consistent the NPPF and the settlement limits are in any event now out of date and obsolete rendering policy GC2 irrelevant, requiring applications to be determined against policy GC1.

9.16 In either situation, the appeal proposals would accord with the Development Plan.
3. & 4. Landscape & Heritage Impact

9.17 The evidence of Mr Chard and Ms Burton confirms that the appeal proposal complies with Development Plan policy and both the landscape and heritage impacts of the proposal are acceptable.

5. Material Considerations & Planning Balance

9.18 My view is that the proposal is in compliance with the Development Plan and therefore, the decision in accordance with the Development Plan would be to grant permission. I consider material considerations firmly further support the grant of consent.

9.19 In the alternative, if it is found (contrary to my view) that the proposal is contrary to the Development Plan (including policy GC2), then my view is that material considerations do indicate otherwise, and indicate that permission should be granted.

9.20 I have set out that I consider the planning balance to be a “tilted one” because policy GC2 and the settlement limits are out of date, but even if it were a “flat” balance, it is clear to me that the benefits far outweigh the impacts. The following benefits are all of significant weight.

**Benefits**

1. Provision of market housing. Even if there is a 5YHLS, housing delivery still attracts significant weight because government policy is about significantly boosting housing supply. The housing requirement in Broadland is a minimum not a maximum/ceiling, and the LPA has a significant historic under-supply (as evidenced by Table 2 under my evidence to Policy GC2 above);

2. Affordable housing provision. The appeal scheme will immediately deliver affordable housing as part of the hybrid application approach. It will deliver 33%, which is 5% more than policy requires, and deliver a total of 56 units in the tenure and mix the LPA requires. This provision should be seen in the context of affordable housing delivery performance to date. The Greater Norwich Growth Board has produced annual monitoring reports (AMRs) alongside its JCS since 2010/11. The AMRs show that for the period 2008/09 – 18/19 the JCS area has delivered 4,471 affordable units. The annual
requirement is identified as being 561 units giving a total of 6,171 units. Therefore, there is a shortfall in provision of 1,700 affordable housing units. The appeal proposal will make immediate provision helping to reduce the slippage.

3. Formal recreation space. The adopted JCS confirms that Brundall is insufficiently supplied by formal and informal recreation space. The evidence of the Parish Council confirms this. Policy BRU2 has only partially been delivered through the inclusion of residential and commercial development and 85% of the allocation in quantitative terms is not going to be provided. Up until the appeal scheme BRU3 has not been delivered upon. The appeal scheme will deliver 61% of the quantitative allocation and could meet the need, as identified by the Parish Council, of hosting a cricket pitch.

4. Green infrastructure. The Development Plan supports the delivery of green infrastructure. The East Broadland GI Project Plan identifies the importance and opportunity of the appeal scheme to significantly contribute to the ecological, biodiversity and human recreational gain. The Country Park extends to 7ha and has the ability to quantitatively make up the quantitative short fall in provision at BRU2 and BRU3.

5. Development in a sustainable location. Brundall and the appeal site itself is a highly sustainable location for residential development being close to existing village facilities and easily accessible to Norwich by public transport.

6. Jobs and economic benefits. The direct and indirect jobs associated with 170 dwellings is c.187. This is based on Oxford Economics data base that confirms that there are about 33m jobs in the UK and 29m homes (giving a 1.1:1 ratio).

7. Improving the sustainability of Brundall. The introduction of new residents on dwellings in the proposed development would lead to far increased spending associated with new residents for the health of local business and further promoting the substantiality of Brundall.

8. CIL and New Homes Bonus. The CIL contribution could be c.£1.5m split between BDC and Brundall Parish Council. The NHB contribution is c.£0.3m split between Broadland District and Norfolk County Councils.
Impacts

9.21 Against these benefits I can find no unacceptable adverse impacts. None of the issue raised solely by third parties result in any material harm. In relation to the issues raised by the LPA, in relation to landscape, Mr Chard has found the majority of landscape and visual effects to be minor, negligible and neutral. I attribute limited weight to any such harm.

9.22 In relation to heritage, Ms Burton has found that there would be no harm caused to the significance of the Church, and therefore no heritage harm to be weighed into the planning balance. As set out by Ms Burton, in the alternative even if there was harm as alleged by the LPA (contrary to her own view), this would be at the very bottom end of less than substantial harm (i.e. negligible harm). In accordance with policy, if such harm were found I would attribute great weight to this, but as explained above this harm would be far outweighed by the public benefits.

Conclusion

9.23 My conclusion is therefore that the benefits of the scheme substantially outweigh any impacts, whether viewed from either a flat or tilted balance perspective. The scheme is consistent with the Development Plan when viewed as a whole and promotes development in sustainable locations and will bring material and meaningful improvements.
Appendix 2
Project
Land East of the Memorial Hall
Brundall
Drawing Title
Key Brundall Village Facilities Plan

Date
26.08.2020
Scale
1:10,000
Drawn by
DK
Check by
N

Project No
26007
Drawing No
26007 17
Revision
-
APPENDIX 3
ILLUSTRATIVE MASTERPLAN
APPENDIX 4
ILLUSTRATIVE LAYOUTS OF THE PROPOSED “NEIGHBOURHOOD GREEN” AND “COUNTRY PARK”
APPENDIX 7
OVERLAY OF APPEAL SITE AND SITE ALLOCATION BRU3 BOUNDARY
Rather than the 4.9ha that Policy BRU3 requires, we propose to provide 10ha of open space. This would be split between the creation of a 3ha formal sports park and the establishment of a new 7ha Country Park, linking up to other open land adjoining the site. Foot and cycle paths through the country park will provide enjoyable routes. These facilities will be open for all the local community to use.

The intention is that this 10ha of land will be gifted to Broadland District Council, if planning permission is granted.