Appeal Decision
Site visit made on 4 December 2018

by Jonathan Price BA(Hons) DMS DipTP MRTPI
an Inspector appointed by the Secretary of State

Decision date: 6th February 2019

Appeal Ref: APP/K2610/W/18/3205832
Land at Dawson’s Lane, Blofield Heath, Norwich NR13 4SB

• The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
• The appeal is made by PPAP Investments Limited against the decision of Broadland District Council.
• The application Ref 20172032, dated 19 October 2017, was refused by notice dated 29 March 2018.
• The development proposed comprises residential development of 8 no. dwellinghouses (all matters reserved).

Decision

1. The appeal is allowed and planning permission is granted for residential development of 8 no. dwellinghouses on land at Dawson’s Lane, Blofield Heath, Norwich NR13 4SB in accordance with the terms of the application Ref 20172032, dated 19 October 2017, subject to the conditions set out in the attached Schedule.

Preliminary Matters

2. The application was made in outline with all detailed matters reserved for later consideration and I have dealt with the appeal accordingly. The sketch development plan submitted (reference QA419 001 rev D) has been considered insofar as it is indicative of a possible site layout.

3. On 24 July 2018, since this appeal was made, Government published the revised National Planning Policy Framework (the Framework). Having granted the parties an opportunity to make further comment, my decision reflects this.

4. A planning obligation has been submitted in relation to the provision of affordable housing and contributions towards village recreational facilities and green infrastructure projects. It is a material consideration in this case and I deal with the matters provided for later in this Decision.

Application for Costs

5. An application for costs was made by PPAP Investments Limited against Broadland District Council. That application is the subject of a separate decision.

Main Issue

6. The main issue is the effect of the proposal on the character and appearance of the area.

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Policy Framework

7. The development plan comprises the Joint Core Strategy\(^1\) (JCS), the Development Management\(^2\) (DM) and Site Allocations\(^3\) (SA) development plan documents and the Blofield Parish Neighbourhood Plan\(^4\) (NP). The Framework is also an important material consideration and establishes the purpose of the planning system as contributing to the achievement of sustainable development. JCS Policy 1 sets out strategic aims to protect the environment and help secure the role of sustainable development as defined by the Framework. JCS Policy 21 and DM Policy GC1 both apply a presumption in favour of sustainable development. JCS Policy 2 promotes good design in development, including this having regard to landscape character and the setting of settlements. This is consistent with comparable aims set out in the Framework.

8. Blofield Heath is identified as a Service Village in JCS Policy 15 and falls within the Norwich Policy Area (NPA) where JCS Policy 9 provides a strategy for growth supported by smaller sites within Broadland District. As a Service Village it is deemed capable of accommodating small-scale growth within the range of 10 to 20 dwellings, subject to form and character considerations. This reflects the village services present, which include a shop/post office, primary school and community centre. The SA provides a policy map which defines a settlement limit around the built-up part of Blofield Heath indicating where development may take place when considered under the JCS and DM policies.

9. DM Policy GC2 accommodates new development within settlement limits but, outside of these, is only permissive of development that accords with a specific allocation and/or policy and which does not result in any significant adverse impact. DM Policy GC4 seeks a high standard of design avoiding significant detrimental impact in regard to the environment, character and appearance of an area. DM Policy EN2 addresses the protection of landscape character with reference to the Council’s 2013 Landscape Character Assessment supplementary planning document (SPD).

10. NP Policy HOU1 addresses local housing needs, with NP Policy HOU4 seeking a high-quality design for new development in keeping with the rural character of Blofield Heath and NP Policy ENV2 requiring soft landscaping to its boundaries to retain a rural edge.

11. The appeal site lies adjacent to but outside the settlement boundary for Blofield Heath as currently defined in the SA. The land is not allocated for development in the development plan and neither is it the subject of any specific policy. Development for residential purposes as proposed would therefore conflict with DM policy GC2 in this regard.

Reason

12. The appeal site comprises part of an arable field situated to the rear of housing fronting Blofield Corner Road. Access would be based on Dawson’s Lane which

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\(^2\) Broadland District Council – Development Management DPD adopted August 2015
\(^3\) Broadland District Council – Site Allocations DPD adopted July 2016
is an unmade and unadopted road that runs perpendicularly from the main highway and serves sporadic development within the countryside beyond.

13. The rear boundary of the appeal site would be in line with the outward edge of the residential estate at Skedge Way, on the opposite side of Dawson’s Lane, and the new housing would extend laterally a part way across the existing arable field. As such the proposal would continue a pattern of development in Blofield Heath which typically comprises small residential estates to the rear of the frontage housing. Therefore, this is not backland development that would be out of character with the prevailing form. Rather, the proposal would comprise a contiguos extension in keeping with the existing built shape of the settlement and in this respect would not cause material harm to the character and appearance of the village.

14. The appeal site is a relatively level arable field and in landscape terms is not the subject of any special protective designation and comprises a relatively contained area in terms of visual impact. The SPD identifies the appeal site as part of Blofield Tributary Farmland. However, this does not confer any special landscape value to the land in question. Any expansion of development onto farmland at the edge of a settlement would, it seems to me, be likely to result in some change to its rural character. However, any impact in this particular instance would be quite localised and, subject to suitable reserved matters detail in relation to scale, layout and landscaping, would have a very limited effect on landscape character generally.

15. For the above reasons I conclude that there would be some limited harm in terms of effect on character and appearance. In this regard, there would be conflict with JCS policies 1, 2 and 15, DM policies GC2, GC4 and EN2 and NP policies HOU4 and ENV2 which together and amongst other things seek to secure a design of development that protects the character and appearance of the village and its rural setting.

Other Matters

16. Means of access is a reserved matter. The local highway authority (LHA) normally seeks to restrict to eight the number of dwellings served from an unadopted access. Dawson’s Lane already serves at least four households but the LHA has not substantiated an objection provided the junction onto Blofield Corner Road is brought up to the required standard, that the footpath along the public highway is extended up to the site entrance and the first ten metre section of the access is widened to five metres. I note this might require the removal of hedging and possibly the relocation of street apparatus. However, subject to conditions securing these improvements, I am satisfied that adequate access to the site can be achieved with no material visual impact.

17. Dawson’s Lane is not a public right of way and, even if remaining unlit, the level of vehicular traffic generated by this proposal would not give rise to such conflict with existing users as to substantiate a highway safety objection. On-site vehicle manoeuvring space, including for refuse and larger delivery vehicles, is a matter that would be addressed at the reserved matters stage as part of layout and access considerations. The rights to use and improve the private access, including necessary works to protect existing services such as water pipes, are civil issues rather than planning considerations. Access to the remainder of the arable field would be a matter for the landowner to consider and the potential land-locking of farmland is not a reason to find this proposal...
unacceptable of itself on planning grounds. Dawson’s Lane is not a public right of way, which limits the weight I can give to the development potentially adversely affecting its recreational use, such as by dog walkers and horse riders.

18. Although, on leaving the settlement, Blofield Corner Road narrows and contains some bends restricting forward visibility, it is of reasonable width in the other direction towards the village services and road connections thereon. On the basis of the evidence that is before me, I am content the surrounding road network has the capacity to safely accommodate the additional eight dwellings proposed.

19. There are no reasonable grounds for dismissing the appeal on the basis of flood risk or inadequate surface water drainage. The latter may be addressed by a condition securing agreement to and implementation of a satisfactory surface water drainage scheme. The ability to gain the necessary agreements or easements to implement this would be a civil matter. There are no grounds to find the proposal incapable of being provided adequate water supply or foul drainage arrangements. There is no substantiated evidence to support concerns that this development would result in any significant harm to biodiversity. Neither is there any firm case that the occupation of this number of dwellings would exceed the capacity of the local primary school and medical practice.

20. That the appeal site does not reflect established ownership and field boundaries would not be a reasonable planning consideration. Whilst I note concerns in relation to the devaluation of property prices, it is well established that this is not a material planning consideration. Approval of reserved matter details would enable the Council to ensure acceptable living conditions for neighbouring occupiers were secured with regard to issues such as privacy, outlook and noise. Whilst the wider Blofield parish might already have accommodated more than the residential development planned, due to housing land supply considerations, it cannot be accepted that an absolute ceiling has been reached at Blofield Heath such as to preclude the additional eight dwellings sought.

Planning Balance and Outcome

21. I have found that there would be conflict with JCS policies 1, 2 and 15, DM policies GC2, GC4 and EN2 and NP policies HOU4 and ENV2 inasmuch as there would be some limited adverse visual impact. However, an assessment needs to be made as to whether those policies are out of date. I am mindful, in this regard, that for applications involving the provision of housing, footnote 7 to paragraph 11 of the Framework qualifies out-of-date to include situations where the local planning authority cannot demonstrate a five year supply of deliverable sites.

22. Paragraph 73 of the Framework requires that housing land supply be calculated against the housing requirement set out in adopted strategic policies, or against their local housing need where the strategic policies are more than five years old. The 2017 Greater Norwich Area Housing Land Supply Assessment, published in the Joint Core Strategy Annual Monitoring Report, shows that against the JCS requirements there is a 4.61-year supply in the combined NPA, a shortfall of 1,187 dwellings.
23. Very recently, on 10 January 2019, the JCS became five years old whereby the Framework would suggest looking beyond this for evidence of housing need. The Council places great weight on the evidence of the Central Norfolk Strategic Housing Market Assessment (SHMA), the most recent version of which was published in June 2017. This shows an 8.08-year housing land supply against the SHMA assessment of Objectively Assessed Need. However, the SHMA evidence has not been the subject of independent examination and is not based on the standard method of assessing local housing need as currently expected by the Framework and set out in the Planning Practice Guidance. Consequently, I consider that, for the purposes of this appeal, the relevant policies remain to be considered as not up-to-date. As such, the appeal falls to be determined within the context of the ‘tilted’ balance referred to in paragraph 11 of the Framework.

24. The policies in the NP form part of the development plan for the area. However, based on the criteria in paragraph 14 of the Framework, any conflict with the NP does not preclude the application of the ‘tilted’ balance in this case, not least because the NP does not contain policies and allocations to meet the identified housing requirement.

25. Application of the tilted balance in this instance means that planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies of the Framework taken as a whole.

26. There would be local economic benefits through the construction and servicing of the eight dwellings, with additional household expenditure helping to support existing services in Blofield Heath.

27. The SHMA evidence does not diminish the modest social benefit the proposal would make towards housing supply, where the Framework continues to seek a significant boost. The submitted planning obligation, which secures a proportion of affordable housing on the site, with a one-third local letting policy, would also help address the requirements of NP Policy HOU1 in relation to meeting local social housing need and is a consideration that attracts significant weight.

28. Whilst the Council’s statement refers to the large amount of land committed for housing, the level of completions in the NPA is currently falling below the JCS requirements. As recognised in Framework paragraph 68, small to medium sized sites such as that proposed can make an important contribution to meeting the housing requirement of an area and are often built-out relatively quickly.

29. As village services are limited, I recognise that future residents would be required to make a significant number of journeys to centres beyond to access jobs, secondary schools, supermarkets and to meet other regularly-required needs. However, the distances to these, and the option of using the bus service, would not render future occupiers entirely reliant on private car use. I agree with the Council in this regard that the development would be in a relatively sustainable location in transport terms; hence its Service Village status and capacity for small-scale housing growth.

30. So, to be weighed against the limited harm arising from visual impact, and the very modest loss of agricultural land, are the benefits that would accrue from
the proposal. In total, they are significant and would resonate with the economic, social and environmental dimensions of sustainable development. The combination of those benefits accords with the principal thrusts of the Framework for securing economic growth and boosting significantly the supply of housing, and are sound arguments carrying considerable weight in favour of the proposal.

31. In the overall planning balance, I am satisfied that the adverse impacts of the development, such as they are, would not significantly and demonstrably outweigh the benefits when assessed against the policies of the Framework taken in the round. All in all, the proposal can be considered as comprising sustainable development and thus benefits from the presumption in favour of such as set out in the Framework. Therefore, I conclude that the appeal should succeed.

32. The Council suggests that allowing the appeal would create an undesirable precedent for further development in the countryside. However, it is well established that each planning proposal falls to be considered on its own merits. I have concluded in this case that, notwithstanding the conflict with relevant development plan policies, the proposal is supported by the Framework when considered as a whole. Moreover, the particular site characteristics indicate that only limited visual harm would arise. On that basis, this appeal decision would not set a precedent for development elsewhere that did not satisfy relevant planning policies and where material harm would arise.

**Planning Obligation**

33. Consideration of the planning obligation is to be undertaken in the light of the advice at paragraph 56 of the Framework and the statutory requirements of Regulations 122 and 123 of the Community Infrastructure Levy Regulations. Together, these require that planning obligations should only be accepted where they are necessary to make the development acceptable in planning terms; are directly related to the development and are fairly and reasonably related in scale and kind to it.

34. The obligations made in respect of affordable housing provision and financial contributions towards village recreational facilities and green infrastructure projects meet the relevant tests. Moreover, since the 33% affordable housing provision secured satisfies JCS Policy 4 for a site over 0.6 hectares, there is no reason to reduce this to 28% based on the SHMA (suggested as an alternative option in the Obligation).

**Conditions**

35. I have considered the conditions recommended by the Council in the light of the advice in paragraph 55 of the Framework. This states that conditions should be kept to a minimum and only imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects.

36. The standard outline conditions are necessary, including the time limit imposed for the submission of reserved matters, where a three-year period is appropriate. A condition is also necessary to secure agreement and
implementation of a suitable surface water drainage scheme to prevent increased risk of flooding.

37. In the interests of highway safety and to ensure satisfactory access arrangements, a condition is necessary to secure junction improvements, the widening of the first 10 metres of Dawson’s Lane and a new section of footway along Blofield Corner Road. A condition is necessary requiring inclusion of a fire hydrant to ensure adequate water infrastructure to enable the local fire service to tackle any property fire. The suggested condition requiring the submission of plans for the remaining access and the parking for the development is not needed since these details would comprise reserved matters in any event.

Conclusion

38. Subject to these conditions and for the reasons set out above I conclude that the appeal should be allowed.

Jonathan Price
INSPECTOR

Schedule of Conditions

1) Details of the access, appearance, landscaping, layout and scale (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development takes place and the development shall be carried out as approved.

2) Application for approval of the reserved matters shall be made to the local planning authority not later than three years from the date of this permission.

3) The development hereby permitted shall take place not later than two years from the date of approval of the last of the reserved matters to be approved.

4) Details of a surface water drainage scheme to serve the development and access shall be submitted to and approved in writing by the local planning authority. The scheme shall include the following:
   a) Calculations of the existing greenfield run-off rates for the proposed impermeable area and modelling to demonstrate that the surface water runoff will be restricted to the existing greenfield run-off rates in the equivalent rainfall events.
   b) Modelling of the surface water drainage scheme to show that the attenuation features will contain the 1 in 100-year rainfall event including climate change.
   c) Modelling of the conveyance system to demonstrate that there would be no above ground flooding in the 1 in 30-year rainfall event, and to detail the volumes of flooding in the 1 in 100-year climate change event, along with plans and drawings to show
where any flood volumes would flow and be stored to prevent flooding of buildings and offsite flows.

d) Plans to depict the exceedance flow paths and demonstration that the flows would not flood buildings or flow offsite, and if they are to be directed to the surface water drainage system then the potential additional rates and volumes of surface water must be included within the modelling of the surface water system.

e) Details of who will maintain each element of the surface water system for the lifetime of the development and submission of a maintenance schedule.

The approved scheme shall be fully implemented prior to the occupation of any of the dwellings hereby permitted and thereafter maintained in accordance with the timing/phasing arrangements embodied within the scheme or within any other period as may subsequently be agreed in writing by the local planning authority.

5) Prior to the first occupation of any of the dwellings hereby permitted the following highway measures shall be implemented in accordance with detailed specifications that have the prior written agreement of the local planning authority:

   a) The upgrading and widening of the junction of Dawson’s Lane with Blofield Corner Road to a minimum width of 5 metres, with kerb radii of 6 metres in accordance with the Norfolk County Council residential access construction specification for the first 10 metres as measured back from the near channel edge of the adjacent carriageway and including arrangements for surface water drainage to be intercepted and disposed of separately so that it does not discharge from or onto the highway carriageway.

   b) A new section of 1.8m wide footway linking Dawson’s Lane to the existing footway on Blofield Corner Road to the east.

6) Prior to the first occupation of any of the dwellings hereby permitted an operational fire hydrant shall be provided as part of the development in accordance with details that have the prior written agreement of the local planning authority. The fire hydrant shall thereafter be retained as agreed.

--- End of Conditions ---