



Appeal Decision

Inquiry held on 2 - 4 July 2019

Site visit made on 3 July 2019

by Katie McDonald MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23 August 2019

Appeal Ref: APP/L2630/W/18/3215019

Land off St Mary's Road, Long Stratton, Norfolk NR15 2TT

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Orbit Homes (2020) Limited against the decision of South Norfolk District Council.
 - The application Ref 2017/0810, dated 31 March 2017, was refused by notice dated 14 September 2018.
 - The development proposed is the erection of 52 dwellings with associated car parking and amenity space, roads, public open space, landscaping and vehicular access off St Mary's Road.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The description of the development is taken from the appeal form and Council's decision notice. This is because the number of dwellings was reduced during the assessment of the full planning application by the Council.
3. A Tree Strategy Plan has been submitted with the appeal. The Council raises no objections to its submission. The plan introduces no changes to the overall built infrastructure but adds additional information in relation to the location and type of trees. It does not present a material change to the scheme and I am satisfied that no party would be prejudiced by me taking account of it.
4. Two landscape masterplans (Options A and B) were submitted with the appeal. Option A was the masterplan on which the application was determined by the Council and to which interested parties made their submissions. Option B, whilst being subject to consultation with Long Stratton Town Council, was not publicly consulted upon before the Inquiry. The changes in Option B are material, removing the on-site tennis court, shelter and army style assault course; instead providing natural green space and an off-site monetary contribution to re-surface Long Stratton's multi-use games area. This would change the nature of the open space associated with the development.
5. Both main parties had no objection to me considering the amendment and the appellants preferred Option B, requesting that I consider this instead of Option A. However, if I were to consider Option B without public consultation, this could lead to possible prejudice to other interested parties. Thus, in applying the Wheatcroft Principles, I instructed the Council to reconsult all interested

parties on the open space changes, such that their views on the matter could be sought. I left the Inquiry open for this re-consultation to take place. In the interim, the appellants also presented additional evidence on the delivery of 5 additional shared ownership units, provided by funding from Homes England. The Council were provided with the opportunity to comment upon this additional information. I have taken account of all the additional representations accordingly.

6. A planning obligation was submitted in draft form, discussed at the Inquiry and subsequently finalised. I have taken it into account.
7. I closed the Inquiry in writing on 7 August 2019.

Main Issues

8. Four reasons for refusal were cited in the Council's decision notice, yet it reported the application back to its Planning Committee in April 2019, resolving to defend an amended and single reason for refusal. The reason for this was a change in the Council's housing land supply position, whereby it can now demonstrate a 5 year supply of housing land. This is agreed with the appellant.
9. The site lies in the countryside and outside of the defined development boundaries of Long Stratton. This being the case, the proposal would be required to present overriding benefits in terms of economic, social and environmental dimensions in order to be compliant with the development plan.
10. With that background, the main issues are:
 - (i) the effect of the proposal on the landscape character and appearance of the area; and,
 - (ii) whether the proposal presents overriding benefits in terms of economic, social and environmental dimensions.

Reasons

11. The site is around 3.6 hectares in size and comprises two agricultural fields. The eastern field adjoins the south western edge of the built up area of Long Stratton, and would be developed with the 52 dwellings. The western field protrudes outwards, surrounded by fields on 3 sides and the appeal site on the eastern side. This field would be developed as public open space. Vehicular access would be located on the northern edge of the site, off St Mary's Road, utilising the existing field gate.

Planning policy

12. The site is outside the development boundaries as set out in the Long Stratton Area Action Plan (AAP) (May 2016) and is not identified as a housing allocation in the AAP. The site was apparently promoted by the appellant as a potential housing site through the AAP process, but it was rejected as the emphasis was placed upon locating housing near to the future bypass.
13. The approach of the South Norfolk Local Plan Development Management Policies Document (October 2015) (DMPD) is to locate development within the defined development boundaries of the settlements. Policy 1.3, 2) d) of the DMPD sets out that permission for development in the countryside outside of the defined development boundaries of settlements will only be granted if [it] otherwise demonstrates overriding benefits in terms of economic, social and

- environmental dimensions as addressed in Policy 1.1. Policy 1.1 seeks to ensure development contributes to achieving sustainable development.
14. During the Inquiry, evidence was presented regarding how both Policies 1.1 and 1.3 interrelate, whether a mechanism was needed to test whether policy 1.3, 2) d) was met, and if there was a mechanism, the Council asserted that this would be part d) of Policy 1.1.
 15. Part d) of Policy 1.1 would only be applicable where there are no directly relevant policies to the application [or appeal], or the relevant policies are out of date at the time of making the decision. In this appeal, it was agreed between the main parties that the Council could demonstrate a 5 year supply of housing land, and for this purpose the development plan is up-to-date. As such, part d) of Policy 1.1 would not be applicable given the relevant policies to the appeal are not out of date.
 16. Nevertheless, on my reading of the policies, Policy 1.3, 2) d) simply refers to economic, social and environment dimensions as addressed in Policy 1.1. It does not specify that 1.1 d) is the mechanism by which to demonstrate *overriding benefits*, nor that there need be a mechanism.
 17. Therefore, I disagree with the Council that there needs to be a mechanism derived from the application of Policy 1.1 d) in order to assess whether a development outside the development boundary has overriding benefits.
 18. Instead, it is my view that the application of Policy 1.3, 2) d) requires the decision maker to apply the principles of sustainable development in order to assess whether the benefits of the development would present overriding reasons to develop in the countryside and outside the defined settlement boundary. This would include weighing up the fundamental policy harm in allowing un-planned development in what should be a genuinely plan-led planning system, along with any additional harm arising. I have proceeded to determine the appeal in this way.

Landscape character and appearance

19. The site is open arable land, comprising 2 fields. They are relatively flat, sloping upwards around 2m over the whole site in a southerly direction, and are identified as lying within the Moulton Plateau Farmlands Landscape Character Area (LCA). Key characteristics are a flat and elevated landform, large fields of arable monoculture, a sense of openness and exposure, wooded horizons, mature remnant oak hedgerow trees, and sparsely settled landscape.
20. Field boundaries are intermittent with some individual oak trees and hedges, such that the site is visible from public rights of way (PROWs) to the south and west and to some extent, Flowerpot Lane. The site does not represent a valued landscape in the terms of the National Planning Policy Framework (the Framework), but it contributes to the rural setting of Long Stratton.
21. The northern boundary of the site with St Mary's Road contains tall and well-established landscaping, such that views of the dwellings on this road are limited from the PROWs. The eastern boundary with Lime Tree Avenue is not as established, with gaps in the landscaping where views of the dwellings are visible from the site and surrounding PROWs.

22. The Statement of Common Ground (SoCG) sets out that both parties agree the development would cause harm to landscape character and appearance and represents disbenefits in the planning balance, but this would not be a significant adverse impact on the distinctive landscape characteristics.
23. However, the extent of harm is not agreed and the methods by which the appellant's expert has come to his conclusions are disputed by the Council. The appellant's expert's proof concludes differently to the SoCG and contends that the proposal would not harm the LCA, the rural character setting, settlement character, appearance or identity of Long Stratton, the night time environment; and there would be long term enhancements to the character and appearance of the area through the new planting. I disagree. The proposal would result in an irreversible loss of countryside, to which the Framework seeks to protect for its intrinsic character and beauty.
24. The proposal would extend the settlement edge towards the elevated plateau, changing the land use from open arable fields to residential development and formalised open space. The large fields of arable monoculture, and a sense of openness and exposure would be lost, and I also have concerns regarding the protruding and elevated location of the open space. Furthermore, the proposal would include the loss of a category B Oak hedgerow tree to create the access, which is a key characteristic of the LCA. Therefore, whilst this would be an edge of settlement development, and the sensitivity of the LCA is of lesser value than an entirely isolated site, having regard to the overall effect upon the key landscape characteristics, the proposal would result in a moderate adverse effect.
25. In terms of the housing site, given this field is developed on 2 sides by other housing, located at the lower end of the plateau and forms an edge to Long Stratton; the visual effect would be very localised. It would also be ameliorated by the reinstatement of field boundaries when viewing the proposal from the nearby PROWs. The woodland planting would not be entirely characteristic of the LCA, but it would not be overly harmful. Therefore, the visual effect would be minor adverse.
26. In coming to my conclusions on landscape impact, I have carefully considered the differences between the professional landscape witnesses. Consequently, whilst the proposal would not result in significant adverse impact on the distinctive landscape characteristics, it would result in moderate harm to landscape character and minor harm to visual appearance.
27. Although this would not directly conflict with the second sentence of Policy 4.5 of the DMPD, the proposal would not respect, conserve and where possible, enhance the landscape character of its immediate and wider environment. It would also not conserve and enhance the natural environment, contrary to the Framework. This weighs moderately against the proposal in the planning balance.

Whether the proposal would present overriding benefits

28. *Provision of housing* – Policy 9 of the Joint Core Strategy for Broadland, Norwich and South Norfolk (March 2011, amendments adopted January 2014) (JCS) strategically allocated 1,800 dwellings in Long Stratton. Policy LNGS1 of the AAP has allocated the east, south east and north west of the town for 1800 homes, employment and the Long Stratton bypass. The appellants' position is

- that the AAP allocation is failing in that insufficient housing is being provided in Long Stratton in the plan period. They claim this position is supported by the Interim Greater Norwich Housing Land Supply Assessment for both 2018 and 2019 forecasting 20 or less completions in Long Stratton per annum until 2023.
29. The appellant therefore considers that the delivery of 52 dwellings would contribute towards the objectives of the JCS and AAP to deliver housing in the plan period in Long Stratton.
 30. I recognise that around 75% of the 1,800 dwelling allocation is predicted to come forward after the AAP plan period, which is notably because of the arrangements for the bypass funding. Therefore, I agree the proposal would deliver housing in the short term that would contribute towards the overall numbers, which are minimum; and it would contribute towards the government's objectives of significantly boosting the supply of homes.
 31. However, as it is agreed between parties that there is a 5 year supply of housing land, this would be unplanned development in the open countryside, undermining the plan led system. Additionally, while Policy 9 of the JCS provides for a minimum of 21,000 dwellings over the plan period (i.e. to 2026); aside from where they will be distributed, there is no policy or guidance which suggest any trajectory for the actual delivery of housing. It is also worth noting that the delayed delivery of the AAP allocation does not affect the overall 5 year supply in the housing market area.
 32. Furthermore, there is no settlement specific delivery test. Therefore, although the delivery of the larger strategic allocation seems to be taking longer than expected, I have no reason to doubt that it would not be delivered in the long term. Moreover, the wider housing market area appears to be performing well. Accordingly, the delivery of the new market homes is of little weight.
 33. *Affordable housing* - The proposal would include 17 affordable dwellings. This exceeds the current requirement of 28% by 2 dwellings. Greater Norwich's delivery of affordable dwellings over the past 6 years has not met its target, with a shortfall of 42%. Furthermore, the 2 recently developed sites¹ in Long Stratton have only provided 10% affordable dwellings.
 34. The strategic allocation is expected to deliver policy compliant affordable dwellings, yet at this time, the numbers are unknown and are subject to viability testing given the objective that the allocation will partially fund the bypass. Consequently, in this context, there is a current undersupply of affordable dwellings both in Long Stratton and the wider housing market area. For this reason, I attach significant weight to the delivery of affordable housing in this scheme.
 35. Conversely, it is worth noting that the Council has a specific policy for the delivery of affordable homes in the countryside, which the proposal would not meet. Thus, the benefit of the 2 additional affordable homes on the site needs to be weighed up against the level of un-planned policy harm; and the fact that there is another way to secure affordable housing in the countryside outside Policy 1.3.
 36. The appellants detailed at the Inquiry, and in the subsequent rebuttal, that funding has been secured for 5 additional affordable shared ownership

¹ Cygnet House (Application Ref: 2015/0385) and Chequers Road, Tharston (Application Ref: 2014/0843)

- dwellings through a scheme run by Homes England. The money is intended to provide grant funding over and above the current [planning] system and is aimed at housing that sits outside any planning condition or obligation, so gives additionality to the number of affordable units on a site. The appellants contend that the shared ownership dwellings would be managed the same as those provided through a planning obligation, with the purchaser having the option to increase their ownership up to 100% after 5 years.
37. I have no reason to doubt that the appellants would not deliver the additional affordable homes on site given their letters of commitment. Nevertheless, I have no way to securely guarantee this delivery through the appeal decision or planning system. This concerns me and as such, the provision of the 5 additional affordable homes is of little weight.
38. *Open space* - An area of semi natural/natural open space would be provided on the western field, at around 1.6 hectares in size. Long Stratton has an undersupply of natural/semi-natural green space, with no sites identified in the town. Indeed, the Town Council spoke of the lack of availability for dog walkers.
39. I heard that the delivery of other open space is likely to come forward through the housing and bypass allocation in the AAP. Policy LNGS7 details that the green infrastructure delivered through the allocation would be commensurate with the level of development proposed. Therefore, an oversupply to address the existing under supply would be unlikely as there is no policy necessitating this outcome. Nevertheless, the open space on the allocation sites would be public and thus accessible by existing residents as well as new ones.
40. Furthermore, LNGS7 requires new development to provide green infrastructure to help create a network of safe movement around the urban environment of Long Stratton, and for non-vehicular access to the surrounding countryside. Whilst I am satisfied that the open space would be accessible by most of the residents of Long Stratton, it would be accessed from one vehicular access point only, with no links to the surrounding countryside. In this regard, it would be poorly integrated.
41. Therefore, the over provision of open space would weigh in favour of the proposal and would provide a benefit to the residents of Long Stratton. However, this is tempered by the provision of public open space likely to come forward in the AAP allocation and the poorly integrated nature of the site. Thus, I attach reasonable weight to the open space.
42. *Ecology and trees* – The proposal would create new habitats including approximately 0.36 hectares of native wildflower grassland, permanent and seasonal wetland and around 0.74 hectares of woodland, including about 1,850 new trees. The proposal would reinstate around 180m of native hedgerow along the south boundary of the eastern field and further tree planting is proposed within the residential part of the site. Nevertheless, whilst the existing fields are arable and of limited biodiversity value, they are still open fields used for crop growing that would support a variety of pollinating insects and other habitats. Therefore, the benefit derived from ecology and trees is of moderate weight.
43. *Re-surfacing of the Long Stratton Multi-Use Games Area (MUGA)* – The proposal would provide, via the planning obligation, monies to re-surface the

town's MUGA. The monies are capped at £100,000 (index linked) and would be paid upon 50% occupation of the dwellings. Given the discussions had between the Town Council and the appellant, the monies directed towards this re-surfacing are required and this would weigh moderately in favour of the proposal.

Planning balance

44. For the reasons set out above, the proposal conflicts with the locational policies in the development plan and leads to moderate harm to landscape character and minor harm to the visual appearance. The fact that the site is agreed to be in a sustainable location in relation to the provision of facilities and related to accessibility is welcomed, but this is essentially neutral in the planning balance as it could be repeated in other sites within and close to the settlement.
45. Policy 1.3, 2) d) requires that the proposal should demonstrate overriding benefits in terms of economic, social and environmental dimensions for it to be considered acceptable. In my opinion, to present overriding benefits is to present benefits that are more important than anything else, and as a result, the development would have to be exceptional.
46. For the economic dimension, the proposal would provide housing, and there is moderate weight to be gained through the economic benefits of construction and increased local spending. Socially, significant weight is given to the provision of affordable housing, reasonable weight to the onsite natural and semi-natural open space and moderate weight for monetary contribution to re-surface the town's MUGA. For environmental reasons, moderate weight is given to the biodiversity enhancements.
47. Notably, however, whilst the level of affordable housing secured through the appeal would be 2 dwellings more than the policy requirement, there is a separate exception policy for providing affordable homes in the countryside which this proposal would not meet. Additionally, the benefit of the open space is tempered by the lack of connection to the wider countryside.
48. Therefore, on balance, it is my judgement that the benefits taken together would not be more important than anything else, exceptional or overriding; bearing in mind the plan led, policy, landscape and visual harms. Thus, the proposal would not present overriding benefits in terms of economic, social and environmental dimensions, and is contrary to Policy 1.3 of the DMPD.

Conclusion

49. For the reasons set out above, I conclude that the appeal should be dismissed.

Katie McDonald

INSPECTOR

APPEARANCES

FOR THE LOCAL PLANNING AUTHORITY:	
Mr D Lintott of Counsel	Instructed by South Norfolk District Council
He called	
Mr T Barker BA (Hons) DipTP MRTPI	Interim Senior Planning Officer, South Norfolk District Council
Mr M Flatman BA (Hons) DipLA (Hons) CMLI	Chartered Landscape Architect and Director, Liz Lake Associates Chartered Landscape Architects and Urban Designers
FOR THE APPELLANT:	
Mr M Lowe QC	Instructed by Armstrong Rigg Planning
He called	
Mr G Armstrong BA (Hons) MRTPI	Director, Armstrong Rigg Planning
Mr A Macquire BA (Hons) DipLA CMLI	Associate Director, Aspect Landscape Planning Ltd
INTERESTED PARTIES:	
Mr K Worsley	Chair, Long Stratton Town Council
Mr S Blake	Local resident objecting to the proposal

DOCUMENTS

1	Opening statement on behalf of the Council
2	Opening statement on behalf of the appellant
3	Updated Proof of Evidence (01/07/19) of Geoff Armstrong
4	Norfolk County Council note on Long Stratton Bypass funding
5	Draft planning obligation 1
6	Draft planning obligation 2
7	Statement from Long Stratton Town Council
8	Closing statement on behalf of the Council
9	Closing statement on behalf of the appellant
10	Appeal Decisions: APP/P1560/W/17/3183678, 3183695 and 3183626
11	Letter from Mr G Armstrong dated 16 July 2019
12	Letter from Orbit Homes dated 16 July 2019
13	Executed planning obligation dated 25 July 2019