



Appeal Decision

Hearing (Virtual) Held on 29 June 2021

Site Visit made on 29 June 2021

by Graham Chamberlain BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23/07/2021

Appeal Ref: APP/K2610/W/20/3260003

Land at Holt Road, Horsford, Norfolk, NR10 3AG

- 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 Mr C Palmer against the decision of Broadland District Council.
 - The application Ref 20181408, dated 23 August 2018, was refused by notice dated 26 March 2020.
 - The development proposed is described as 'Construction of 47 dwellings, access and associated open space'.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The planning application was submitted in outline with all matters of detail reserved for future consideration save for the access into the site¹. That said, the submissions are supported by a Potential Development Areas Plan. This identifies areas for residential development, open space, landscape buffers and tree retention. It became apparent during the hearing that this was to be treated as a reasonably firm proposal, particularly as the Council and appellant suggested a plans condition aimed at securing the broad layout proposed on this drawing. Thus, some details of layout and landscaping are before me. In all other respects I have treated the submissions as an illustration of how the proposal could ultimately be configured.
3. I have taken the description of development from the decision notice as the wording reflects the amendments made to the proposal during the Council's assessment of the planning application. During my site visit I viewed the appeal site from Horsford Hall, The West Wing and Stuston, as requested to at the hearing by the owners or their representative.
4. The appeal site is within the setting of the Church of All Saints', which is Grade II* listed. The Council were therefore asked to consult Historic England (HE). The Council and appellant were afforded an opportunity to provide comments on the response from HE, and I have taken these submissions into account.
5. At the outset of the hearing the Council confirmed that it had received clarification from the Local Highway Authority that an adequate pedestrian crossing could be provided in Church Street as part of the development. On the back of this the Council has accepted in full the findings of the appellant's Connectivity Assessment. The Council are therefore of the view that the appeal

¹ Details of circulation routes within the site would be addressed through the reserved matters

site is 'sustainably' located in respect of access to services and facilities and a conflict with Policies HBE1 and TRA1 of the Horsford Neighbourhood Plan 2018-2038 (NP) would not occur. I have not considered this matter further given my overall conclusion and because it is no longer a matter in dispute.

6. A revised National Planning Policy Framework (the 'Framework') has been published since the Council's decision was issued. The relevant sections have not altered save for the paragraph numbers. The new requirement for all streets to be tree-lined would have been a matter to be addressed at the reserved matters stage had the scheme been otherwise acceptable.

Main Issues

7. The effect on the setting of nearby listed buildings was not one of the Council's reasons for refusal, and is a matter identified in the Statement of Common Ground as not being in dispute. However, it is a concern of interested parties and Historic England. It was therefore discussed at the hearing as a main issue and I have addressed it in my decision as such.
8. The main issues in this appeal are:
 - Whether the appeal site is an appropriate location for the proposal, with reference to the spatial strategy in the development plan; and
 - Whether the proposal would preserve the setting of The Church of All Saints', Horsford Hall and Little Orchard, and its effect on the surviving parkland associated with Horsford Hall as a non-designated heritage asset.

Reasons

Whether the appeal site is an appropriate location for the proposal

9. Policy 15 of the JCS² is a strategic policy which flows from several spatial planning objectives. It identifies 'Service Villages' as part of an overarching settlement hierarchy. Service Villages sit below the Main Towns and Key Service Centres in the hierarchy. The purpose of the hierarchy is to direct growth in a way that is proportionate to the scale of the settlements and the services and facilities available. Horsford is a Service Village.
10. Policy 15 states that in each service village, land will be allocated for small scale housing development. The supporting text to the policy explains that 'small scale' is in the range of 10-20 homes. The appeal site has not been allocated for housing pursuant to Policy 15 and the appeal scheme would not be small in scale. However, Policy 15 identifies Horsford as one of the settlements in the Norwich Policy Area (NPA) where additional development may be necessary to deliver a NPA allowance. Through the Council's Site Allocations Development Plan Document, land was allocated at Horsford for around 188 homes. As a result, it is unnecessary to develop the appeal site to achieve the housing allowance for the NPA. Thus, the proposal would be at odds with the strategy in Policy 15.
11. In reaching this view I acknowledge that Policy 15 can be interpreted as identifying Horsford as a 'sustainable' settlement that will take some planned growth, which should not be considered a ceiling. However, development at

² Greater Norwich Development Partnership Joint Core Strategy for Broadland, Norwich and South Norfolk adopted March 2011, amendments adopted January 2014

Horsford is generally intended to be small in scale given its position in the settlement hierarchy. A specific exception is made to address a NPA allowance, and this has been met. The intention of the policy is not to cumulatively direct levels of growth to Horsford that are not generally small in scale. The appeal scheme would, however, contribute to such an effect.

12. Moreover, Policy 15 needs to be read alongside Policy GC2 of the Development Management Development Plan Document (DPD). This policy states that new development will be accommodated within the settlement limits of villages. Conversely, it states that outside the limits, development will be permitted if it does not result in significant adverse impacts and where it accords with a specific allocation or policy in the development plan. Thus, the settlement hierarchy, taken with the settlement limits and allocations, is a strategy that allows the village to grow and thrive in a balanced and planned way.
13. As already mentioned, the appeal scheme is not allocated for development and would be outside the settlement limits of the village. There is nothing of substance before me to demonstrate it would adhere to any of the policies that permit, in principle, development outside the settlement boundaries. The corollary being that the proposal would be at odds with Policy GC2 on its straightforward reading.
14. Policy GC2 has the stated aim of identifying land to achieve the housing targets in the JCS by expressing where the principle of development would be acceptable. In this respect, the aims of the policy, and thus by association the settlement boundaries referred to, could be interpreted as a means of identifying land where residential development would be well connected to services and facilities³, and where it can be accommodated without adverse impacts on infrastructure. The appellant therefore submits that the appeal scheme should only be resisted if it offends these aims. In this respect, the Council accepts that the site is well connected to services and facilities and it does not allege there would be harm to infrastructure.
15. However, this is a narrow interpretation of the policy's aims. As established, the spatial strategy seeks to direct growth in accordance with a settlement hierarchy whereby larger amounts of development are directed to the settlements with the greatest number of services. The proposal would undermine this aim as it would be a sizeable scheme at a Service Village, which by definition has a middling level of facilities. Thus, the conflict with the policy would have meaningful consequences as the proposal would not be located as 'sustainably'⁴ as the settlement hierarchy envisages. Thus, the breach of policy would be more than the 'technical' departure suggested by the appellant.
16. Moreover, the Council suggested at the hearing that there are several other consequences of the settlement boundary which, although not stated in the development plan, are material because they flow from the Framework. In particular, the likelihood of allocated sites being realised increases if there is some control on unplanned development outside the defined village limits. The same could be said of suitable sites in settlement boundaries, especially the redevelopment of challenging 'brownfield' sites. Settlement boundaries may also suppress land values around villages thereby making other forms of development more likely to come forward, such as entry level exception sites

³ A finding reached in appeal decision APP/K2610/W/20/3259971

⁴ In terms of access to services and facilities

(or First Homes) as well as community facilities. Boundaries also enable the intrinsic character and beauty of the countryside to be recognised. Thus, I accept that these points can be relevant in a general sense and therefore add weight to the desirability of maintaining development limits. This is especially so when the housing supply is apparently healthy, as is the case in Broadland.

17. However, the above are not stated aims of Policy GC2 and the Council provided no evidence at the hearing to demonstrate that sites in settlement boundaries or community projects have not been realised because unplanned development outside has occurred. The Council are also of the view that the appeal scheme, which would involve forty seven houses being erected on a greenfield site on the edge of the village, would have no harmful effect whatsoever on the intrinsic character and beauty of the countryside. The latter is a finding that seems difficult to comprehend but I have adopted this position as it is not a point in dispute. Thus, the evidence before me does not indicate the appeal scheme would harm the aims of national policy referred to by the Council and outlined above. This could be seen as a point that reduces the weight that should be attached to the conflict with Policies 15 and GC2.
18. That said, Paragraph 15 of the Framework states that the planning system should be genuinely plan led. Consequently, there is a public interest in following a plan led system, not least because it gives some certainty. In this instance, the appeal scheme would undermine the spatial strategy in the development plan, which is predicated on a settlement hierarchy. Directing development in accordance with the settlement hierarchy is a core aim of the spatial strategy and thus Policies 15 and GC2. The connectivity of the proposal and its apparent neutral impact on infrastructure may suppress the weight afforded to the conflict with the spatial strategy. Nevertheless, there would still be a residual conflict, and this would be harmful.

Whether the proposal would preserve the setting of The Church of All Saints'

19. Much of the Church, which is Grade II* listed, dates from the 15th Century although there are some earlier surviving elements from the 12th and 13th Centuries. The building is a fine example of ecclesiastical architecture from the middle ages and is of considerable interest for this reason alone. In particular, the church tower, rising over three stages and probably dating from around 1456, is a high quality and significant landmark announcing what was probably for many centuries one of the most important buildings to the local community. The quality of the architecture relative to other contemporary structures and the fact it remains attests to this. The building is also a repository of important evidence relating to the religious and social life of the community, especially when considered collectively with Horsford Hall and other nearby heritage assets. The building therefore has evidential and historic value.
20. The architectural significance of the Church is most readily appreciated from within the church yard and at close range. However, the tower was designed to be seen at a distance from the surrounding rural landscape and this is an important part of how the building should be experienced. For this reason, the Church would have had a commanding presence in the village and would have dominated the modest settlement as it was before modern expansion. There is a historic association between the Church and Horsford Hall and therefore it is advantageous for the two buildings to be experienced together. James Grigor,

in a book from 1847, describes how the parkland at Horsford Hall and the neighbouring Churchyard have a sequestered tranquillity and rural charm.

21. There are views of the Church Tower⁵ from the appeal site that provide a semblance of how the structure once sat in a more rural setting. These views also demonstrate the historic relationship with Horsford Hall and are more pronounced in the winter when the intervening landscaping, which has a large deciduous component, has lost its leaves. They are not public views, but the value of a listed building does not lie solely in its appreciation from public land, as otherwise the inside of listed buildings would not be protected.
22. Views from the churchyard looking south also pick up the broadly undeveloped nature and gently rising topography of the appeal site. This assists in providing an understanding of the Church's dominant relationship to the historic core of the village and its semi-rural context as demonstrated on the 1882 Ordnance Survey map. The appeal site therefore contributes to the ability to experience the architectural, historic and evidential value of the Church. I therefore share the view of Historic England in this respect. Historic England's advice was given without the benefit of a site visit, but it nevertheless chimed with what I saw when I visited.
23. The appeal scheme would result in quite a large residential estate being introduced into the setting of the Church. This would meaningfully erode a surviving element of its rural context (to its south) and its dominance over the historic core of the village, which would become less legible. This effect would also be evident in views looking out from the Churchyard. Interested parties have also suggested the proposed estate would be discernible, and potentially prominent, in views from the church tower. I have no reason to disagree.
24. A housing estate has been constructed to the west of the Church, but this is away from the historic core of the village and does not harmfully impact the historic axis of the Church, Horsford Hall and the parkland. Its presence does not justify the appeal scheme. It is suggested by the appellant that the eastern part of the site could be left undeveloped, but it has not been demonstrated that 47 homes could be adequately accommodated in the site with the eastern and northern sections left undeveloped.
25. The level of harm would be tempered because the rural setting of the Church has already been diminished by modern development along Church Street. In this respect I agree to an extent with the findings in the appellant's Heritage Statement (HS). In addition to a modern estate to the west of the Church, the new roundabout along Holt Road has reduced the ruralness of the area. Moreover, the proposal would retain an area of open space in the northern portion of the appeal site. This would allow some existing views of the Church to be retained, including View 14. However, the open space would be enclosed by a large mass of housing and therefore the view would be from within a housing estate rather than countryside. Thus, even with the mitigation the spatial link between the Church and the countryside, which can currently be appreciated and experienced, would be eroded.
26. Overall, the proposal would result in some harm to the setting of the Church. Its setting would not be preserved. The magnitude of harm would be between limited and moderate. This would be at odds with Policies 1 and 2 of the JCS,

⁵ View 14 in the appellant's Photo Montage is an example of this

which seek to secure development that conserves heritage assets and the historic environment, including the protection of the setting of historic buildings.

Whether the proposal would preserve the setting of Horsford Hall

27. Horsford Hall is Grade II listed and appears to be a largely Georgian building, perhaps with earlier origins, that was remodelled in the 19th Century and again in the 20th, when it was split into more than one dwelling. Despite the alterations the 'polite' architectural quality is still very evident. The size, design, and position of the building opposite the Church would have afforded it a high status when first constructed. The property was built for the Reverend John Day and this provides a historic link with the Church. The building therefore provides evidential value of the power and wealth of the Church of England and the status of the clergy.
28. Modern infill development along Church Street has eroded the status and prominence of the building and its subdivision has had an impact in this regard as well. Nevertheless, it is still an imposing structure with large grounds and therefore retains some standing. This is important to how the building's significance is understood and experienced, as it was probably designed to appear relatively grand and striking in the context of the village and surrounding rural landscape.
29. The parkland to the rear (the appeal site) would have reinforced the grandness and status of the building. This area was probably designed and laid out to evoke a bucolic idealised scene inspired by the picturesque movement. It is highly likely the parkland was designed to be seen from the Hall as a romantic version of the English countryside.
30. I share the view of interested parties that the specimen trees, some of which survive, may have been features planted as focal points to be seen from the Hall. Historic mapping strongly indicates that there would have been planned intervisibility between the house and parkland. It is still possible to clearly see the imposing and attractive rear elevation of the Hall from the appeal site. It is also possible to see the parkland from the Hall, especially from its upper windows. The parkland setting is therefore important in understanding the architectural concept and layout of the Hall.
31. Views of the Hall from the appeal site have been enclosed in more recent times by hedging, but not wholly. Thus, the visual inter relationship between the Hall and its former parkland has been reduced. However, the historic spatial connection is still evident and will remain so despite the hedge. In any event, the hedge may not always be there or retained at its current height.
32. The construction of a reasonably large housing estate within the parkland would urbanise the rural setting of the Hall and dilute its prominent status and sense of grandness. It would meaningfully dilute a feature (the Parkland) that is important in understanding the prestige and design of the Hall and its grounds. The buffer planting would further erode the intervisibility.
33. Retaining an element of the parkland as open space would lessen the harm but would not mitigate for the impacts of developing the rest of it. The development would have little impact on the experience at close range of the Hall from Church Street, but it would have a notable impact on how the

building is experienced from the south. This impact would not be limited. To my mind the impact would be between the significant level described by the Council's Conservation Officer when commenting on the original larger scheme and the limited level of harm suggested in the Statement of Common Ground. In other words, removing twenty homes from the scheme and retaining some of the existing parkland would not reduce a significant magnitude of impact to a limited one.

34. Accordingly, the proposal would result in moderate harm to the experience and setting of Horsford Hall as a grand country residence. Its setting would not be preserved. This would be at odds with Policies 1 and 2 of the JCS for the reasons already given.

Whether the proposal would preserve the setting of Little Orchard

35. Little Orchard is Grade II listed and is a timber framed former farmhouse that has evolved over time. This is particularly evident in the brickwork, which is indicative of the change in taste in the 17th and 18th Centuries. The architectural value of the building rest predominantly in it being a surviving example of the vernacular tradition. In this respect it was borne out of the surrounding landscape and draws some historic significance from this. The building sits in a large plot and adjoins agricultural land to the south. It is therefore experienced in a semi-rural setting and this affords a semblance of how it once sat in the rural landscape. This setting aids in understanding the significance of the building.
36. The appeal site has no known historic connection to Little Orchard but its broadly undeveloped appearance contributes to the semi-rural context of this listed building. The construction of a relatively large housing estate would urbanise the setting of the building and dilute the ability to experience it in a semi-rural and mature landscape. I share the view expressed in the HS that the magnitude of the impact would be limited due to the degree of separation, although this is on the proviso that the eastern boundary hedge of the appeal site is retained in its current mature form. This could have been secured at the reserved matters stage.
37. Thus, the proposal would result in some limited harm to the setting of Little Orchard. Its setting would not be preserved. This would also be at odds with Policies 1 and 2 of the JCS for the reasons already given.

The effect on the parkland as a non-designated heritage asset (NDHA)

38. I have already explained that the parkland was probably set out as an idealised natural scene and has strong historic associations with Horsford Hall. It there has artistic and historic interest in its own right as a NDHA.
39. The author of the HS is correct in stating that the value of the parkland has been eroded over time. Modern farm buildings have been erected to the south, and a busy road and engineered roundabout are present on its western boundary. There are fewer trees than shown on historic mapping and there has been discordant residential encroachment with a pool house and a one and a half storey garage structure built. There is also a builder's compound, rubble piles and a small stable block within its perimeter.
40. However, the parkland is still remarkably legible due to the boundaries being well defined and several very impressive specimen trees remaining. It is still

easy to appreciate, distinguish and experience the site as historic parkland once connected with Horsford Hall. As a result, the value and significance is greater than 'very limited'. Due to its general intactness and historic association with Horsford Hall, the parkland has some moderate historic, associative, and historic value.

41. The construction of a large body of houses within the parkland would have a significant impact on its character, appearance and interest. At the reserved matters stage it may be possible for the properties to exhibit a traditional parkland style, but the size of the scheme would result in it likely having a typical residential estate character, perhaps with streetlights, turning heads, small gardens and kerbed roads. This would dominate the parkland and considerably alter it. The impact of the proposed development would be particularly acute in the area around the old Oak tree (T27⁶) and the two very impressive Lime trees (T28 and T29), where it is hard to see how housing could be satisfactorily accommodated without appearing harmfully cramped and injurious to the surviving parkland character and setting. The ability to experience and understand the extent of the parkland would be seriously diminished. The proposal would result in a significant magnitude of harm to the parkland as a NDHA.
42. Thus, the proposal would result in significant harm to the parkland as a NDHA, albeit one of only moderate value. This would be at odds with Policies 1 and 2 of the JCS, which seek to secure development that conserves heritage assets and the historic environment and protects local distinctiveness.

Other Considerations

The benefits of the proposal

43. The proposal would deliver a sizable number of homes and this would benefit housing supply. However, there is no dispute that the Council are currently able to demonstrate a land supply that is in excess of five years. The Council are therefore in the process of significantly boosting the supply of housing. The very positive Housing Delivery Test results further attest to this. The Council has also over allocated to ensure housing is delivered at scale. In this context, and based on the evidence before me, the benefits to housing land supply from the appeal scheme weighs moderately in favour of the proposal.
44. The submitted planning obligation includes three scenarios in respect of affordable housing. The most generous would be 36% affordable housing and this would exceed the requirements of the development plan. There is a shortfall in affordable housing delivery of around 2% of the requirement for the Norwich Policy Area. The delivery of seventeen affordable homes, four of which would be delivered in excess of policy requirements, would be a useful but not extensive contribution. This is also a matter of moderate weight in favour of the proposal.
45. The area of open space that would be delivered as part of the proposal would exceed policy expectations and could even double them depending on the final housing mix. There is also a local desire for more open space as indicated in the NP. However, the open space would be on the southern periphery of the village. There is nothing to suggest it would be part of a green network, such

⁶ As per the Tree Constraint Plan in the Tree Report prepared by Farmland Forestry

as a village trail. It would also be too small to function as somewhere village residents would go for a walk. It would have no play equipment as to include some would injure the parkland aesthetic. It would also be adjacent to a busy road and would therefore lack a sense of tranquillity. As a result, the space would not function as a destination. Villagers would be more likely to visit the country park to the north of the village, which has been delivered since the NP was made. Thus, the delivery of open space would be a limited benefit.

46. The appellant has suggested that a section of the parkland would be 'restored' but it is unclear what is meant by this. The Potential Development Areas Plan simply shows existing trees and grassland areas being retained. The construction of a surface water lagoon and the planting of a buffer with Horsford Hall would work against any 'restoration' of the parkland by introducing an engineered feature and by further blocking views of Horsford Hall and the Church. The open space would have public access so this would allow members of the public to experience the parkland as well as the Hall and the Church in a different way. Interpretative materials could be used to assist in this. However, the parkland would be experienced as a space within a housing estate and views would be shut off rather than created. This would not better reveal the significance of Horsford Hall, the Church or the parkland.
47. It was agreed at the hearing that there would be limited economic benefits from the construction and subsequent occupation of the proposal. There would also be limited benefits from a New Homes Bonus and to biodiversity. The Community Infrastructure Levy is likely to be a neutral consideration as it is aimed at mitigating the effects of the proposal. There is nothing of substance before me to demonstrate the funds would be spent on infrastructure projects which would have a wider community benefit.
48. In order to ensure adequate connectivity from the site entrance to the village it would be necessary to slightly extend the existing cycle route along Holt Road and provide a crossing at Church Street. This is unlikely to be anything more than a very limited benefit of the proposal because the appeal site, and the section of Holt Road beyond, is unlikely to act as a destination for most villagers.

The heritage balance

49. Paragraph 202 of the Framework states that great weight should be given to the conservation of designated heritage assets and the more important the asset the greater the weight should be. Designated heritage assets are an irreplaceable resource and considerable importance and weight must be given to the special regard I must give to the desirability of preserving the setting of listed buildings⁷. This does not amount to a direction to refuse proposals that harm the setting of designated heritage assets, but it provides a strong presumption in favour of preservation (doing no harm).
50. The harm to Horsford Hall, the Church and Little Orchard as designated heritage assets would not be severe. It would be 'less than substantial' within the meaning of the Framework. The magnitude of the harm ranges from limited to moderate within this spectrum. The fact that the setting of three listed buildings would be harmed, one of which is Grade II* listed, is a matter of significance.

⁷ See Section 66(1) of The Planning (Listed Buildings and Conservation Areas) Act 1990

51. In this context, the harm that would arise from the proposal would not be outweighed by its public benefits, which cumulatively are not of a high order for the reasons previously given. Accordingly, there would be a conflict with Paragraph 200 of the Framework as harm to designated heritage assets would not have clear and convincing justification. In this respect I am aware that my findings differ to those of the Council. However, I have come to my own findings for the reasons given.
52. Given my findings above, the application of policies in the Framework that protect assets of particular importance provide a clear reason for refusing the development. Therefore, even if I were to conclude that the most important policies for determining the application are out of date for the reasons suggested by the appellant, it would still be unnecessary for me to apply the tilted balance in Paragraph 11d)ii. of the Framework. It follows that because the benefits of the proposal would not outweigh the harm to the setting of designated heritage assets, it would not outweigh the totality of harm that I have identified either.

Consistency of decision making

53. Both the Council and the appellant have referred me to several appeal decisions. Some of the decisions⁸ are from outside the local authority area and are therefore subject to different policies. The decisions also come to differing findings on the weight to be attached to harm and benefits. This demonstrates that such judgments should be made in the context of the evidence presented. Thus, I do not find any of the decisions to be particularly relevant to my assessment. In particular, the Inspectors in the Brundall⁹ and Oak Dene¹⁰ decisions found no harm to heritage. In respect of the Council's resolution on Rackheath (Appendix B of the appellant's final comments) the benefits and harm were quite different to the circumstances in this appeal, as a much-needed medical centre would be delivered. Thus, there is no inconsistency between my findings and those of other Inspectors and decision makers.

Conclusion

54. The proposal would be contrary to the development plan and there are no other considerations which outweigh this finding. Accordingly, for the reasons given, the appeal has failed.

Graham Chamberlain

INSPECTOR

⁸ APP/W0530/W/20/3253436, APP/R1038/W/20/3259758 and APP/R0660/W/20/3251104

⁹ APP/K2610/W/19/3239986

¹⁰ APP/K2610/W/20/3255135

APPEARANCES

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DOCUMENTS SUBMITTED AT THE HEARING

Appeal Decision APP/K2610/W/20/3260003

DOCUMENTS SUBMITTED AFTER THE HEARING

Response from the Council to Historic England's comments
Response from the Appellant to Historic England's comments