

## **SOUTH NORFOLK DISTRICT COUNCIL**

## **TOWN AND COUNTRY PLANNING ACT 1990**



### **STATEMENT OF CASE**

APPEAL BY: United Business and Leisure (Properties) Ltd and Landstock Estates against South Norfolk Council for refusal of outline planning application reference 2019/0184 for the erection of up to 150 residential dwellings including Affordable Housing, with the provision of new vehicular, pedestrian and cycle access from Norwich Common, incorporating open spaces, sustainable urban drainage systems, associated landscaping, infrastructure and earthworks

PLANNING INSPECTORATE REFERENCE: APP/L2630/W/20/3256206

LOCAL AUTHORITY REFERENCE: 2019/0184

### **Background**

- 1.1 The appeal is against the decision of South Norfolk Council (the Council) to refuse outline planning permission for the erection of up to 150 residential dwellings including Affordable Housing, with the provision of new vehicular, pedestrian and cycle access from Norwich Common, incorporating open spaces, sustainable urban drainage systems, associated landscaping, infrastructure and earthworks, on Land North of Carpenters Barn, Norwich Common, Wymondham.
- 1.2 The application falls within Schedule 2 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 for screening for Environmental Impact Assessment (EIA). As such a screening opinion has been carried out for the proposed development, which concluded that no Environmental Statement was required.
- 1.3 The site is 7.86 hectares in size and is currently in agricultural use. The site is located to the north-east of Wymondham and is outside, but adjacent, to the settlement boundary to the west. Adjoining the site, to the west, is the recently completed Wymondham Rugby Club (WRFC), and the under-construction residential development of Becket's Grove. Immediately to the south, is land comprising of agricultural fields (Elm Farm) which has reserved matters consent for 300 residential units (ref 2019/0536) and is currently under construction. Land to the north and east of the site and beyond, is predominately agricultural in nature. A public footpath runs within and along the western boundary of the site.

- 1.4 The application was determined at the Council's Development Management Committee on 12<sup>th</sup> February 2020. Members resolved to refuse the application based on the officer recommendation and reasons for refusal as set out in the officers Committee report published on the Council's website on the 5<sup>th</sup> February 2020.
- 1.5 The reasons for refusal are as follows:
- 1.5.1 The development would result in a significant harm to the rural character of the landscape including views from the public footpath to the west of the site (FP26), thereby conflicting with Policy 2 of the Joint Core Strategy and Policy DM4.5 of the South Norfolk Local Development Management Policies Document 2015. In particular, the development, would be apparent to users of public footpaths to the west of the site where there are currently limited views or perception of development, thereby leading to a loss of the landscape's rural character.
- 1.5.2 The development would result in the loss of a significant section of hedgerow that is likely to be 'important'. This loss would not be outweighed by the benefits of the proposal and therefore would be contrary to Policy DM4.5 and DM4.8 of the South Norfolk Local Development Management Policies Document 2015.
- 1.5.3 The proposed development is not supported by any specific Development Management policy which allows for development outside of the development boundary including Policy DM3.2. Furthermore the benefits of the scheme in providing new housing, including the over provision of affordable housing do not present overriding benefits when having regard to the harm identified in respect of the landscape and the policy harm in allowing unplanned development in a plan led system. Consequently the proposal fails to comply with either criteria 2 (c) or 2 (d) of Policy DM1.3 and DM1.1 of the South Norfolk Local Development Management Policies Document 2015 and is fundamentally inconsistent with the Council's Vision and Objectives for the area.
- 1.6 The Appellants have sought to challenge the decision on the basis that the Council does not have a 5 year housing land supply and therefore the titled balance should apply.
- 1.7 These issues will be addressed in detail in this Statement of Case but it can be said at the outset that the Council's case is that whether the 'tilted balance' is applied (which the Council does not accept) or an 'ordinary' planning balance, the result is the same: the proposed development is contrary to the development plan and national planning policy and there are no material considerations that justify a departure from those policies. The harm that has been identified significantly and demonstrably outweighs the benefits, and the appeal should be dismissed.

## **Planning History**

- 2.1 There is no relevant planning history relating to the Site.

2.2 The following planning history relates to development which adjoins the Site and is summarised as follows:

Land immediately to the south and west of Appeal site, known as Becket's Grove Phase 2 (previously called Carpenters Barn):

- 2007/2703 Residential development (Class C3) and 460sqm of retail (Class A1) with access, landscaping and public open spaces on Land North-West Of Carpenters Farm Norwich Common, Wymondham – Refused/ Appeal Allowed
- 2010/1241 Proposed residential development (Class C3) up to 350 dwellings with associated access on Land at Carpenters Barn, Norwich Common, Wymondham. To include the infrastructure associated with the residential development, public open space and new vehicular and pedestrian access routes – Refused/ Appeal withdrawn
- 2012/0839 Proposed residential development (Class C3) up to 350 dwellings with associated access on Land at Carpenters Barn, Norwich Common, Wymondham. To include the infrastructure associated with the residential development, public open space and new vehicular and pedestrian access routes on Land North-West Of Carpenters Farm Norwich Common, Wymondham – Approved
- 2014/1969 Reserved matters application (following outline planning permission 2012/0839/O) for residential development of 217 dwellings, including details of appearance, landscaping, layout and scale, Land North-west Of Carpenters Farm Norwich Common, Wymondham - Approved
- 2015/1405 Reserved matters application following planning permission 2012/0839 - Appearance, landscaping, layout and scale, Land North-west Of Carpenters Farm Norwich Common, Wymondham - Approved

Land immediately south of the Appeal Site, known as Elm Farm:

- 2014/0799 Outline application for up to 90 dwellings at Tuttles Lane, Including the demolition of existing Wymondham Rugby Club buildings and sports pitches and closure of existing access; up to 300 residential dwellings at Norwich Common with multiple access points, including the demolition of 63 Norwich Common; a replacement rugby club (use class D1) with sports pitches including an artificial pitch, floodlighting, clubhouse, car parking and accesses including an emergency only access from Melton Road; and associated works including open space, sustainable

urban drainage systems, landscaping, infrastructure and earthworks - Refused/ Appeal allowed

2011/0374 Reserved matters application for appearance, landscaping, layout and scale for 323 dwellings and open spaces on Land To The North Of Norwich Common Wymondham – Approved

2016/2946 Reserved matters application for appearance, landscaping, layout and scale relating to outline 2014/0799 for the erection of Wymondham RFC replacement clubhouse and sports pitches and parking areas, on land at Wymondham Rugby Club And Land West Of Elm Farm Norwich Common Wymondham - Approved

2019/0536 Reserved matters application for appearance, landscaping, layout and scale follows Section 73 application 2017/1265 for up to 300 residential dwellings at Norwich Common with multiple access points, including the demolition of 63 Norwich Common; and associated works including open space, sustainable urban drainage systems, landscaping, infrastructure and earthworks (EIA Application) - Approved

2.3 The Elm Farm and Becket's Grove Phase 2 developments were approved/allowed at appeal when the Council could not demonstrate a 5 year supply of housing land.

### **Statutory Duties and Policy Context**

- 3.1 Section 79 of the Town and Country Planning Act 1990 states that for the determination of planning appeals an Inspector may deal with the appeal as if the application had been made to them in the first instance. Section 70(2) of the same Act requires, in dealing with an application for planning permission that a decision taker shall have regard to the provisions of the development plan, so far as is material, and to any other material considerations.
- 3.2 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications for planning permission under the planning Acts be determined in accordance with the development plan, unless material considerations indicate otherwise.

#### *Development Plan*

3.3 For the purposes of s. 38(6) Planning and Compulsory Purchase Act 2004, the relevant development plan documents are:

- the Joint Core Strategy (JCS) for Broadland, Norwich and South Norfolk District Councils (the “Greater Norwich Authorities”);
- the South Norfolk Local Plan Development Management Policies Document 2015;
- The South Norfolk Local Plan Wymondham Area Action Plan 2015;
- South Norfolk Open Space SPD 2018; and
- South Norfolk Place-Making Guide 2012

3.4 Within the development plan, the most important policies for the determination of this appeal are:

- DM1.1 (Ensuring development management contributes to achieving sustainable development in South Norfolk);
- DM1.3 (Sustainable location of development);
- DM3.2 (Meeting rural housing needs);
- JCS Policy 1;
- JCS Policy 2;
- JCS Policy 4; ;
- DM4.5 (Landscape Character Areas and River Valleys);
- DM4.8 (Protection of Trees and Hedgerows);
- Policy WYM8 (General green infrastructure requirements);
- Policy WYM9 (General green infrastructure requirements for developments in North Wymondham);
- Policy WYM10 (General green infrastructure requirements for developments in South Wymondham); and
- Policy WYM13 (New recreation provision in Wymondham).

3.5 The committee report sets out a comprehensive list of the relevant policies applicable to this appeal.

#### *The Joint Core Strategy*

3.6 The Joint Core Strategy (JCS) for Broadland, Norwich and South Norfolk Councils identifies the planned growth of the greater Norwich area up to 2026. The document sets out the long-term vision and objectives for the area, including the locations for new housing and employment growth and changes to transport infrastructure. The JCS was originally adopted in 2011, with amendments adopted in 2014. As such, both documents are now more than five years old.

3.7 JCS Policy 1 seeks to ensure that development protects the environment. Policy 2 seeks to secure a high standard of design and create a strong sense of place.

3.8 Policy 4 of the JCS is concerned with housing delivery and sets out the requirements for affordable housing provision.

3.9 Policies 9 to 17 set out how growth will be delivered across the area covered by the JCS. This is to be through a number of identified major growth locations

and then in a descending scale across the settlement hierarchy of main towns, key service centres, service villages and other villages.

- 3.10 The objectives of the JCS are clear in that growth has been carefully planned to enable the sustainable development of the wider area. It does this by seeking to locate development in places that will minimise any adverse impact on the environment and by looking after and improving the natural qualities of the area.

*South Norfolk Local Plan: Development Management Policies Document*

- 3.11 There are a number of relevant policies within the Development Management Policies Document. The document sets out policies to enable sustainable development to come forward in South Norfolk. In particular, policies DM1.1 and DM1.3 seek to ensure that development is sustainable in terms of location, layout and design. The plan then goes on to set out policies relevant to the economic, social and environmental strands of sustainable development.

- 3.12 Policy DM1.1 provides that the Council will take a positive approach to development that promotes sustainable development. This entails all facets of sustainable development; social, environmental and economic. Solutions to enable development will be sought where the proposals improve the social, economic and environmental conditions in the area.

- 3.13 Policy DM1.3 addresses the sustainable location of new development and it is whether the development accords with this policy that is the primary contention of the appeal. Development should be located so that it positively contributes to the sustainable development of the district. The policy wording is as follows:

- 1) *All new development should be located so that it positively contributes to the sustainable development of South Norfolk as led by the Local Plan. The Council will work with developers to promote and achieve proposals that are:*
  - (a) *Located on Allocated sites or within the development boundaries of Settlements defined on the Policies Map, comprising the Norwich Fringe, Main Towns, Key Service Centres, Service Villages and Other Villages; and*
  - (b) *Of a scale proportionate to the level of growth planned in that location, and the role and function of the Settlement within which it is located, as defined in the Local Plan.*
- 2) *Permission for development in the Countryside outside of the defined development boundaries of Settlements will only be granted if:*
  - (c) *Where specific Development Management Policies allow for development outside of development boundaries or*
  - (d) *Otherwise demonstrates overriding benefits in terms of economic, social and environment dimensions as addressed in Policy 1.1*

- 3.14 Essentially, development within the countryside outside development boundaries will only be permitted if there are specific policies that allow for development or the development would provide overriding benefits in terms of economic, social and environmental dimensions in the context of DM1.1. Criterion (a) of Policy DM1.1 states that “the Council will take a positive approach that reflects the presumption in favour of sustainable development, together with a responsibility to meet objectively assessed needs identified in the Local Plan and other unforeseen development needs and opportunities emerging that are generally consistent with the Council’s Vision and Objectives for the area.” Taken in conjunction with criterion (d) of the Policy DM1.3, this clearly sets out that the overriding benefits need to be consistent with the Council’s Vision and Objectives for the area.
- 3.15 In summary the Development Management Policies Document seeks to ensure sustainable development comes forward without delay, taking into consideration the relevant economic, social and environmental considerations referred to above as relevant to this appeal.

#### *Wymondham Area Action Plan*

- 3.16 The Wymondham Area Action Plan was adopted in October 2015. The most relevant policies for this proposal are Policy WYM8 (General green infrastructure requirements), Policy WYM9 (General green infrastructure requirements for developments in North Wymondham), and Policy WYM13 (New recreation provision in Wymondham).
- 3.17 Of particular relevance to development in Wymondham are Policies 9, 10 and 13. Policies 9 and 10 set out the strategy for growth in the plan area and identify Wymondham as a location for the delivery of 2,200 homes. Policy 13 identifies Wymondham in the settlement hierarchy as a Main Town.

#### *Supplementary Planning Documents (SPD)*

- 3.18 South Norfolk has an Open Space SPD adopted in September 2018 which provides guidance for the provision, adoption and future maintenance of outdoor recreational facilities directly needed as a result of new development within the district. It makes clear what would be expected when deciding planning applications.
- 3.19 The South Norfolk Place-Making Guide was adopted in 2012 and applies to all new development with the exception of alterations and extensions to existing properties and design affecting heritage assets. The purpose of the document is to promote and secure high quality design in new development and to make clear what is expected when deciding planning applications.

### *The National Planning Policy Framework*

- 3.20 The National Planning Policy Framework ('NPPF'), last updated in June 2019, sets out the Government's planning policies for England and how they should be applied. It is a material consideration for decision-taking purposes and can affect the weight attached to policies of the development plan.
- 3.21 Paragraph 7 of the NPPF states that the purpose of the planning system is to contribute to the achievement of sustainable development. Paragraph 8 defines this as meaning that there are three overarching objectives which are interdependent: economic, social, and environmental. These are not criteria against which every decision can or should be judged (paragraph 9).
- 3.22 The policies of the NPPF should be considered as a whole (including its footnotes and annexes).
- 3.23 The NPPF is supported and complemented by the national Planning Practice Guidance ('PPG'). The guidance provided by the PPG is advice on procedure and elaboration of NPPF policies rather than explicit additional policy and is an online reference as a living document. It is a material consideration alongside the NPPF.

### *The Presumption in Favour of Sustainable Development*

- 3.24 Paragraph 11 of the NPPF directs that decision makers should apply a 'presumption in favour of sustainable development'. For decision-taking purposes, that policy operation is set out as follows: '... c) approving development proposals that accord with an up-to-date development plan without delay; or d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out of date [see footnote 7], granting permission unless: i. the application of policies in [the NPPF] that protect areas or assets of particular importance provides a clear reason for refusing the development [see footnote 6]; or ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in [the NPPF] taken as a whole.'
- 3.25 Footnote 7 provides, amongst other things, that the most important policies for determining a housing application will be deemed to be out of date where the local planning authority cannot demonstrate a five-year supply of deliverable housing sites.
- 3.26 In respect of the operation of paragraph 11 for decision-taking purposes, where planning proposals accord with an up-to-date development plan, they should be granted planning permission without delay. The corollary is that where a proposed development does not accord with an up-to-date development plan there should be an expectation that planning permission will be refused unless there are prevailing material considerations to the contrary, as per NPPF paragraph 12.



3.27 Paragraph 11.d)ii. is widely known as the “tilted balance”. This is because there would be, if engaged, a presumptive tilt in favour of a grant of planning permission unless there were demonstrably significant adverse impacts present (which might include conflict with the development plan) sufficient to outweigh that presumption.

3.28 The tilted balance cannot apply here for the following three reasons.

Firstly, there are development plan policies relevant to the determination of this appeal and those most important for its determination are set out above.

Secondly, the Council benefits from a housing land supply of 6.16-years and the latest Housing Delivery Test (‘HDT’) result recorded a measurement of 133%. This means that the development plan is meeting the Government’s housing land supply requirements without the appeal scheme and, accordingly, although still an important material benefit the provision of housing proposed by the appeal scheme cannot be given as much weight in favour of the application as it would be if such a supply or HDT result could not be demonstrated. A detailed analysis of housing supply is provided at Appendix 1 of this Statement of Case.

Thirdly, when taken in the round the most important policies for determining the appeal are up to date.

3.29 In the event that the Inspector disagrees with any of the three statements in paragraphs above then it is the case for the Council that the planning permission should none the less be refused as the landscape impact and harm to a protected hedge are demonstrably significant adverse impacts which should be given significant weight and are sufficient to outweigh the presumption created by the application of the tilted balance.

#### *Assessment of Development Plan Policies*

3.30 The Council acknowledges that the policies in the development plan are more than 5 years old and a review has not been completed. In *Peel Investments v Secretary of State for Housing, Communities & Local Government* [2020] EWCA Civ 1175 the Court emphasised that the expiry of a development plan does not automatically render the policies out-of-date for the purpose of paragraph 11d. Policies will only be out-of-date where they have been:

“... overtaken by things that have happened since the plan was adopted, either on the ground or through a change in national policy, or for some other reason, so that they are now out-of-date”.

The Court also confirmed that whether the policies are out-of-date is a matter of planning judgement.

3.31 It is necessary to determine the weight that should be afforded to the most important development plan policies having regard to paragraph 213 of the NPPF among other factors and noting NPPF paragraph 11.d) and explain why these policies remain up to date.

3.32 Paragraph 213 of the NPPF states:

‘However, existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them, according to their degree of consistency with this Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given).’

3.33 “Consistency” should be understood by its natural meaning and within that context it is a question of the degree to which local and national policies are capable of operating in harmony and without conflict. An element of inconsistency identified within a policy should not necessarily render that policy out of date as a whole.

3.34 The age of a policy alone does not cause it to cease to be part of the development plan or become “out of date” (reiterated at paragraph 213). Even if policies are considered to be out of date, that does not make them irrelevant: their weight is not fixed, and the assessment of that weight is the responsibility of the decision taker. There will be many cases where restrictive policies are given sufficient weight to justify refusal despite their not being up to date (*Suffolk Coastal District Council v Hopkins Homes and Richborough Estates v Cheshire East* [2016] EWCA Civ 168, paras 46-47; [2017] UKSC 37, paras 51, 56.) (CD9/11).

3.35 Having regard to the above and taken in the round, the most important policies for the determination of this appeal are up to date. The “tilted balance” cannot be engaged as a consideration in that respect.

3.36 The conflict that the appeal proposal poses against that basket of policies should hold significance in the planning balance bearing in mind the s38(6) duty and paragraph 12 of the NPPF.

### **Housing Land Supply Position**

4.1 The Council maintains the position on land supply that it set out in the committee report, which states that the Council is able to demonstrate a five-year housing land supply. At the time of the committee report this was based on the 1 April 2018 position, set out in the Annual Monitoring Report for 2017-2018 (AMR) (CD6/23). This has subsequently been superseded by the 1 April 2019 figures in the 2018-19 AMR (CD6/24), which are the basis of the appellants’ critique of the land supply position, and again by the 1 April 2020 figures which were published on the ‘Monitoring the Local Plan’ page of the Council’s website in early March 2021, and notified to the Appellants at the time and set out in CD6/32.

4.2 All three annual publications of the Housing Land Supply Assessment referred to above have been completed in a manner consistent with the requirements of the NPPF and advice contained in Planning Practice Guidance. The assessments clearly set out how the authorities have determined or dealt with:

- a) the starting point for calculating 5-year land supply;

- b) past under delivery of new homes;
- c) Sources of Supply;
- d) Methodology for Calculating Housing Land Supply; and,
- e) the final Calculation of Housing Land Supply.

Appendices to the Housing Land Supply Assessment set out:

- a) the housing forecasts for individual sites of 10+ units;
- b) joint statements between the Council and relevant house builders or sites promoters regarding the delivery of sites;
- c) additional commentary for a number of sites without detailed consent where joint statements were not produced; and
- d) summaries of the windfall and lapse rate/non-implementation assessment.

4.3 To avoid repetition, the full explanation contained in the 1 April 2020 Housing Land Supply Assessment (CD6/32) in respect of the matters set out in the above paragraph is not repeated here. However, key points from the assessment are as follows:

- a) The Housing Requirement figure within the JCS became 5 years old on 10 January 2019 and has not been reviewed. As set out in NPPF Footnote 37 (CD5/1) the standard methodology for the calculation of Local Housing Need (LHN) is the correct starting point for the calculation of 5 Year Housing Land Supply.
- b) The calculation of LHN includes an uplift to take account of past under-delivery, as part of the affordability adjustment. Therefore, no further adjustment is needed to LHN to address past under-delivery against the JCS housing requirement.
- c) The correct geographical area over which to calculate 5-year housing land supply when using LHN as the starting point is the whole of Greater Norwich i.e. the combined areas of Broadland, Norwich and South Norfolk.
- d) An assessment of the deliverability of major sites and the evidence supporting assumptions about minor development have been prepared in accordance with the requirements of the NPPF and advice of the Planning Practice Guidance.
- e) Greater Norwich has delivered 133% of its requirement under the Housing Delivery Test between 2017/18 and 2019/20 (published February 2021). Therefore, a 5% buffer needs to be added to the supply of deliverable sites when calculating 5-year housing land supply.
- f) The Greater Norwich authorities, comprising Broadland, Norwich and South Norfolk, have a **6.16-year** housing land supply.

4.4 Since the Greater Norwich Authorities declared a five-year supply under the approach outlined above, numerous decisions have been issued on appeals where land supply has been contested. These appeals have been considered by written representation, at hearings and at inquiry. In none of the

Inspectorates' decisions has the basic approach outlined above been considered incorrect. In many of the decisions the appeal Inspector has found reasons to dismiss or allow the appeal without the need to address whether or not a land supply is present (and therefore have made the decision without applying the tilted balance). None of the decisions have concluded that there is not a five-year supply for Greater Norwich, and a number have concluded that there is. The Appellants have not provided any compelling evidence to suggest there is not a land supply.

- 4.5 One of the most recent decisions to consider land supply in more detail was for Milestone Lane, Wicklewood. That decision followed the appellants' site-by-site assessment of the sites that make up the land supply (as at 1 April 2019). The Inspector concluded in that case that:

*'I consider that whether judged on the basis of the Greater Norwich area or South Norfolk alone, the Council is able to demonstrate a 5-year supply of specific deliverable sites. It follows that the application of the 'tilted balance' set out in paragraph 11d) of the Framework is not triggered in this particular case.'*

(Para 10, APP/L2630/W/20/3255672, 8 February 2021 – CD11/3)

- 4.6 Similarly, another Inspector in a recent decision in Intwood Road, Cringleford, in South Norfolk concluded that:

*'I am also persuaded by the evidence that there is a five-year deliverable supply of housing land across the Greater Norwich Area, demonstrating that the spatial strategy, including Policy DM1.3 is meeting identified development needs. Whilst there may be some impact from the Covid-19 pandemic on housing delivery it is far from certain whether this has significantly dented what appears to be reasonably buoyant levels of land supply.'*

(Para 13, APP/L2630/W/20/3260880, 8 February 2021 – CD11/4)

It is particularly noteworthy that both of these recent decisions are made taking into account the impacts of the COVID-19 pandemic.

- 4.7 As noted above, the Appellants' critique is also of the land supply position at 1 April 2019. The table at Appendix 5 of CD11/5 addresses some of the concerns raised in the appellants' Appendix 1B, to demonstrate that the position was considerably more favourable than their 'worst case'.
- 4.8 The assessment of the sites contained in the Appellants' Appendix 1B is against what they consider to be the 'worst case scenario', which led to their conclusion that there would be a shortfall of 1,576 units in the supply between 2019/20 and 2023/24 (Appellants' Statement of Case para 4.21). Having revaluated the sites with knowledge from the preparation of the 1 April 2020 Housing Land Supply Assessment (CD6/32), compiled in late 2020/early 2021 and published

March 2021, the Council would agree with some of the Appellants' conclusions. However, as detailed in the table at Appendix 5 of CD11/5, the Council would also disagree with many of the Appellants' assertions and assumptions. The extent of that disagreement would lead the Council to suggest that a net amount of 2,085 units should be reinstated to the land supply, compared to the Appellants' worst case scenario, which would leave a surplus in the 1 April 2019 land supply position of 509 dwellings. It should be emphasised that this is a reassessment of the sites as presented in the 1 April 2019 Land Supply Assessment, and does not affect the sites as presented in the 1 April 2020 Land Supply Assessment (CD6/32).

- 4.9 The above assessment is based solely on the sites which the Appellants have chosen to challenge under their worst case scenario. There are also a number of other sites which are listed in the 1 April 2019 Land Supply Assessment (CD6/33), which were excluded from the five-year supply at the time for various reason, but which taking the same 'retrospective' approach to the assessment of the sites as in the Appellants' Appendix 1B (and the table in Appendix 5 of CD11/5), should reasonably be added to the five-year supply. The Council does not wish to rely on this retrospective approach, because a new comprehensive review of sites is included in the latest 1 April 2020 Housing Land Supply (CD6/32), which reflects a comprehensive reassessment of all of the available sites and which should be the basis on which decisions around Housing Land Supply are now based.

#### *Small sites and windfall development*

- 4.10 The Appellants also challenge the small sites (9 units or fewer) and windfall assumptions for Greater Norwich in their paragraphs 4.27 and 4.28. In terms of smaller sites, the NPPF Glossary notes that such sites:

*"should be considered deliverable until permission expires unless there is clear evidence that homes will not be delivered within five years"*

The approach of the Greater Norwich authorities was to take small site permissions (from pre-2016) and track their completion over the subsequent five years. This showed a lapse/non-completion rate within the five-year supply period of between 23% and 26.6% across the authorities. The application of a 27% lapse rate, at the higher end of that range, is therefore considered a cautious assumption. See CD6/32, Appendix D2 (page 151) for further details.

- 4.11 In terms of windfall assumptions, the Greater Norwich authorities have taken the approach of assessing the delivery on windfall sites over a ten-year period from 2008/09 to 2017/18, in order to gauge the contribution of different types of windfall development. Outside of Norwich City this assessment has excluded sites of 10+ units, which were considered to give artificially high figures in some years. The ten-year period is considered to give a balanced view, covering economic fluctuations and changes in both local and national policy. The 1 April 2020 Housing Land Supply Assessment (CD6/32) sets out in paragraphs 30 to 36 the Council's assumptions of future trends and how the windfall assumption is applied in a staged, precautionary approach. In contrast, the

Appellants have taken the more extreme approach of suggesting that no further windfall be included in the five-year land supply, but with no justification as to why they consider this to be a realistic position.

- 4.12 In respect of both of the above, it is noted that South Norfolk and Broadland Councils provided the Appellants with details of all completions on a site-by-site basis for the twelve-year period 2008/09 to 2019/20 in July and August 2020 respectively, at their request.

#### *Boosting the Supply of Housing*

- 4.13 The Appellants go on in their Statement of Case to cover the issue of whether sites which are contrary to the Development Plan should be permitted, even where a 5 year housing land supply can be demonstrated. The issue of interpreting the Council's own Policy DM1.3 which could facilitate such development where there are overriding benefits, is dealt with elsewhere in this Statement of Case; however it is noteworthy that even the most recent of the five appeal decisions referenced by the Appellants (CD9/6 to CD9/10) is now over four years old, with all of the decisions being issued between April 2014 and February 2017. These decisions were issued in a different national policy context to the one which exists now; prior to the most recent iteration of the NPPF; prior to the updates to the Planning Practice Guidance related to land supply; before the introduction of Local Housing Need and the Housing Delivery Test. These appeals also pre-date the Inspector's decision at St Mary's Road, Long Stratton, in August 2019, which clearly emphasised the importance of a genuinely plan-led system, particularly where a land supply can be demonstrated.
- 4.14 As noted above, the Councils maintain that there is a strong land supply position for Greater Norwich, and in terms of boosting the supply of housing, it is noticeable that the Greater Norwich Authorities have substantial rise in the number of sites with planning permission since the adoption of the JCS. The Authorities have also consistently exceeded the requirements of the Housing Delivery Test by a considerable margin, achieving 133%, 140% and 133% for the first three sets of data published by CLG.
- 4.15 The Appellants conclude this section of their Statement of Case with two speculative assessments of land supply based on the proposed changes to the Standard Method for calculating Local Housing Need, that the Government consulted on in summer 2020 as part of their '*Changes to the current planning system*', which would have seen a significant uplift in the requirements for Greater Norwich. On 16 December 2020 the Government published its first response to that consultation, specifically addressing the standard method and concluding that '*the most appropriate approach is to retain the standard method in its current form*'; the only exceptions to this were for Greater London and the other 19 most populated cities and urban areas in England, which does not include (Greater) Norwich. As such, the calculations at Tables 1.1 and 1.2 of the Appellants' Statement can be disregarded.

*Shortfall against the Joint Core Strategy (JCS) for Broadland, Norwich and South Norfolk*

- 4.16 Paragraphs 4.44 to 4.56 of the Appellants' Statement of Case highlight the under delivery of housing compared to the adopted requirements of the Development Plan, as set out in the Joint Core Strategy for Broadland, Norwich and South Norfolk (the JCS). At this stage it should be highlighted, that the JCS is not the basis for calculating Housing Land Supply, and the concept of 'persistent under delivery', as referenced in the Appellants' paragraph 4.54 is no longer an element of the land supply calculation – the buffer applied being determined by Housing Delivery Test outputs.
- 4.17 The Council acknowledges that there has been a shortfall in housing delivery against the JCS requirements and has published this information in the Greater Norwich Annual Monitoring Reports (CD6/16 to CD6/25). The Council recognises that this is material in the assessment of planning applications, an issue which is dealt with elsewhere in this Statement of Case. However, the Council would note that the majority of the shortfall was in the period 2008/09 to 2013/14, during which the JCS (which was setting the new housing requirements) was being prepared (see Appellants' Table 1.3). The JCS marked a significant increase in requirements over the plans that were in place at the time of its inception, which themselves were based on the requirements of the 1999 Norfolk Structure Plan. Although the JCS was initially adopted in 2011, a legal challenge and second Examination in Public meant that document was finally adopted in January 2014. This delayed the preparation and adoption of the various site-specific documents which allocate the sites to meet the JCS requirements; the majority of these were subsequently adopted during 2015 and 2016. As can be seen from the Appellants' Table 1.3 delivery performance has improved markedly since the adoption of the JCS in early 2014 and further still since the adoption of the various site-specific documents in 2015/16. For 2019/20 delivery again exceeded the JCS requirement of 2,046 dwellings/annum, with a total of 2,075 being delivered despite the marked slowdown and implementation of a national lockdown during March 2020.
- 4.18 The Appellants return to the issue of delivery against the JCS, specifically within the Norwich Policy Area (NPA), in their section on 'The Location of Development and Settlement Boundaries' (paragraphs 4.76 to 4.143). The Appellants note that the shortfall is more pronounced in the Norwich Policy Area, and the Council acknowledges that this is the case. Conversely delivery in the areas outside of the NPA has exceeded requirements. As with the overall delivery, the underperformance was clearly greater prior to the adoption of the JCS (see Appellants' Table 1.8). As noted above, this underperformance is therefore one of the many considerations in the planning balance. However, in the presence of a five-year land supply, the appropriate place to consider any remedy, if one is indeed necessary, is through the current preparation of a new Local Plan which uses the Government's Local Housing Need (LHN) calculations as the basis for future requirements. This facilitates a Plan-led approach at a point where there is no short-term need to redress a lack of 5-year housing land supply.

- 4.19 The emerging Greater Norwich Local Plan has completed the period for Representations to be made under Regulation 19 (1 February to 22 March 2021), with the intention of submitting the document for Examination in July 2021 and adopting it in September 2022. The GNLP addresses the need for growth to 2038, based on the Government's Standard Method for LHN; as the Planning Practice Guidance notes: *'Step 2 of the standard method factors in past under-delivery as part of the affordability ratio'*. As such *'there is no requirement to specifically address under-delivery separately when establishing the minimum annual local housing need figures'*. The Regulation 19 version of the GNLP identifies sites to accommodate 22% more homes than LHN, through rolling forward existing sites and making new allocations, plus a substantial (800 dwellings) contingency site, should there be delivery issues with other commitments/allocations. The GNLP does not directly replace the Wymondham Area Action Plan (WAAP), nor the North East Growth Triangle and Long Stratton AAPs, but does supplement the WAAP with additional proposed allocations to meet the needs for ongoing growth.
- 4.20 In commenting on the under delivery in the NPA the Appellants seek to invoke the implementation of JCS Policy 22 (paragraphs 4.97 to 4.99); however this appears to be based on a misunderstanding of that Policy. The Policy explicitly refers to the trigger being *'a significant shortfall (as defined below) in the five year supply of housing land ... affecting the Broadland part of the Norwich Policy Area'*, the Policy goes on to define that as *'a significant shortfall has arisen if the MR (produced annually) shows there to be less than 90% of the required deliverable housing land'* i.e. the Policy is referring to a shortfall in the supply of deliverable land, not a shortfall in delivery. In terms of this measure, the first Monitoring Report produced after two years (the 2015/16 AMR published in January 2017), showed 4.55 years supply in the Broadland part of the NPA, or 91%; the second 2016/17 AMR, published in April 2018 did show that the supply in the Broadland part of the NPA had dropped to 3.96 years, or 79%. Whilst the publication of 2016/17 AMR would trigger the implementation of Policy 22, at this point (April 2018) work had started on replacement of the whole JCS with the GNLP. As that process was already underway, including the HELAA of submitted sites, as well as initial consultation on the sites and draft Strategy, there was seen as little merit in undertaking a separate review of the NPA which would draw resources away from the GNLP.
- 4.21 The Appellants make reference to the number dwellings on sites in the land supply, which were outside the defined settlement limit at the time the application was approved (Appellants' Table 1.7), suggesting that this undermines the approach to the both the local plan Settlement Hierarchy and the adopted Development Boundaries. Whilst a schedule of sites has not been provided to verify this claim, the Council does not dispute that this is the case. The primary reason for this was the lack of land supply when the housing requirements of the JCS came into effect, caused in part by the delay between the JCS setting the housing requirement and the various Site Specific and Area Action Plan documents being adopted which allocate the sites to deliver on that requirement. At points where there has not been a land supply, the Council has taken a pragmatic and proactive approach to sites which address the lack of supply in a sustainable way without compromising other Local Plan policies.



The Council now has a 5 year housing land supply and therefore promotes development based on the plan-led system.

- 4.22 Although the figures in the Appellants' table 1.7 look high, a significant proportion of those dwellings are on sites that were identified as 'preferred options' in the emerging Local Plan documents during 2012 and 2013: sites at South Wymondham, Hethersett, Trowse, Mulbarton and Stoke Holy Cross, totalling almost 3,000 dwellings, had been identified as preferred sites in emerging plans, on average 14 months before the planning applications were approved, but at the time they were still outside the defined Development Boundaries of any adopted plan. The current GNLP process aims to avoid this issue occurring again by planning for the majority of the site allocations, including all of the strategic sites, as part of the same document which brings into effect the new housing requirement.
- 4.23 Overall, the Council considers there to be a strong land supply, either when addressing the assessment of the 1 April 2019 position undertaken by the Appellants, and also in the more recent 1 April 2020 Housing Land Supply Assessment, which was published in March 2021. The Council recognises the Government's aims in terms of boosting the supply of housing, and that Local Housing Need is a minimum requirement; however, the Housing Delivery Test outputs for the past three years indicate that in Greater Norwich the delivery has been stayed considerably above requirements (with figures of 133%, 140% and 133% for the first three reporting periods respectively). In addition, as noted above, the calculation of Local Housing Need takes into account past underperformance, and the Government have confirmed that they do not intend to change this approach, outside of the 20 largest urban areas in England. Whilst under delivery in terms of the JCS requirements is a material consideration, the most appropriate place to address the issues raised by the appellant regarding the appropriateness of the JCS settlement hierarchy/housing distribution, and the subsequent Local Plan allocations made to implement the JCS policies, is through the current review of the Local Plan. The GNLP is due to be submitted for Examination in July 2021.
- 4.24 The Council benefits from a housing land supply of **6.16-years** and the latest Housing Delivery Test ('HDT') result recorded a measurement of **133%**. This means that the development plan is meeting the Government's housing land supply requirements without the appeal scheme. As such the 'titled balance' is not engaged.

### **Main Issues and Assessment**

*Conflict with the development plan in respect of the location of development (refusal reason 3)*

- 5.1 The site is outside of any defined development boundary and thus is in a countryside location. As such criteria 2 (c) and (d) of Policy DM1.3 are applicable. These set out the circumstances where development will be permitted outside of the development boundary:

*Permission for development in the Countryside outside of the defined development boundaries of settlements will only be granted if:*

*c) Where specific Development Management Policies allow for development outside of development boundaries or*

*d) Otherwise demonstrates overriding benefits in terms of economic, social and environmental dimensions as addressed in Policy 1.1.*

- 5.2 With regard to criterion 2 (c) of Policy DM1.3 of the South Norfolk Local Plan (SNLP), the current proposal is not considered to meet the requirements of this criterion as the scheme does not meet the requirements of any other specific policy designed to permit residential development in the countryside e.g. workers dwelling, barn conversion etc nor does it comply with those of Policy DM3.2 which can permit an “exceptions site” outside the settlement boundary provided the relevant criteria are met which is not considered to be the case here, given that the proposals are for 60% market dwellings.

*Overriding benefits in the context of Policy DM1.3 (d)*

- 5.3 As it is clear that no specific development management policies allow for development of this nature outside of development boundaries and therefore the development cannot be held to accord with criterion c), it is important to establish what is meant by “overriding benefits”. This is explored further in the reasoned justification for the policy.

- 5.4 The reasoned justification makes it clear that the development plan seeks to direct development to within the development boundaries of settlements and envisages only specific instances where development is allowed outside of development boundaries. This is clearly set out in paragraph 1.23 which states:

*Only in exceptional cases consistent with specific Development Management Policies or site allocations will development proposals in the countryside be supported by the Council. This could include agricultural buildings, development connected to outdoor sports facilities, small scale house extensions etc. In addition, development will generally be supported for school related development or other community facilities such as a GP surgery or a village hall where they are required and there are not suitable sites available within development boundaries.*

- 5.5 It also states at paragraph 1.28 that:

*Much of the rural area of the district comprises agricultural land which is an important resource in itself and provides an attractive setting and backdrop to settlements and The Broads. The rural area is a sensitive and multi-functional asset and contains many attractive natural and other features influenced by man such as field boundaries, including areas of notable landscape character and beauty, geological and biodiversity interest – of international, national and*

*local importance. These are protected through the development boundaries referred to in paragraph 1.27 which focus development in existing settlements and only normally allow for development outside of these boundaries where it is necessary to meet specific needs of the rural economy or where development could not reasonably be located elsewhere and is carried out in accordance with the specific policy requirements of the Development Management Policies.*

- 5.6 The aim of the development plan is to focus development within development boundaries to support the vitality of existing settlements, whilst protecting the rural character of the district.
- 5.7 In his report, the Planning Inspector on the Local Plan recognised this, stating that the policy will “help achieve a sustainable pattern of development” (South Norfolk Local Plan Inspector’s Report para 190) (CD11/7).
- 5.8 As such the bar for what constitutes an overriding benefit is high. It should not simply be the case therefore that the delivery of housing can be seen to be an overriding benefit when it would clearly conflict with the stated intent of the development plan. There would clearly need to be an exceptional element to the scheme for the bar to be met.
- 5.9 It is useful to note the Inspector’s recent decision at St Mary Road, Long Stratton (CD9/2) where they stressed at paragraph 45 that:
- To present overriding benefits is to present benefits that are more important than anything else, and as a result, the proposed development would have to be exceptional.*
- 5.10 In the case of the settlement of Wymondham, it is noted that development has been well planned for with an allocation of land for at least 2,200 homes that has been distributed to Wymondham in the JCS and referred to in the Wymondham Area Action Plan, which guides development in the town between 2008 and 2026. In addition, Wymondham was the focus for a considerable volume of applications approved when there was a lack of 5-year land supply, such that delivery in the town has averaged 247 dwellings/year 2016/2017 to 2019/20 and is projected (for sites of 10+ units only) to average 221 dwellings/year 2020/21 to 2024/25.
- 5.11 It is therefore considered that this clearly demonstrates that the Council has adequately planned for development in Wymondham and that further development outside of development boundaries that does not demonstrate overriding benefits clearly undermines the principle of the plan-led system.

#### *Affordable Housing Position*

- 5.12 The Council currently requires major housing developments to provide at least 28% affordable housing. This reflects the findings of the 2017 Strategic Housing Market Assessment (SHMA) (CD6/12) and is a reduction from the 33%, which as JCS Policy 4 notes was the target ‘at the adoption of this strategy’. The

figures in the JCS are the outputs of an assessment of need undertaken in 2006 and updated in 2009 and are therefore now significantly out of date.

- 5.13 The 2017 SHMA provides '*the most up to date needs assessment for the plan area*' as required under JCS Policy 4, and resets the affordable housing requirement, taking account of any backlog, to 2015. In order to meet the identified need an average of 525 units a year should be provided. Affordable housing delivery across Greater Norwich for the five years 2015/16 to 2019/20 has been:
- 2015/16 – 222;
  - 2016/17 – 456;
  - 2017/18 – 531;
  - 2018/19 – 724;
  - 2019/20 – 658.
- 5.14 This is an average of 518 affordable homes per year and equates to a shortfall of 34 units (or less than 2%) over 5 years, with the most recent three years having been in excess of the SHMA requirements. Consequently, the shortfall is not significant and has been rapidly reducing.
- 5.15 The Appellants have questioned the use of the SHMA as the basis for assessing the affordable housing requirement, and also assessing the delivery of affordable housing, but do not identify what, if any, they consider the shortcoming of the SHMA to be. As noted above, reverting to the JCS figures would be to use information which was last updated twelve years ago. The use of the SHMA to set the affordable percentage has been applied for Development Management purposes since early 2018 and has therefore been the approach at all appeals which involve an element of affordable housing; to date this has not been questioned by any of the appeal Inspectors.
- 5.16 Overall, in terms of affordable housing, the Council recognises the need to deliver the required amounts. The 2017 SHMA has been in use for Development Management purposes for the past three years, including at appeals where affordable housing is an element, and to date no issues have been identified with using the SHMA as '*the most up to date needs assessment for the plan area*' (JCS Policy 4). As such, whilst there has been a shortfall in affordable housing delivery, this has been relatively modest and recent years have seen delivery significantly above the SHMA requirements.

#### *Benefits of the proposed development*

- 5.17 The Appellants have referred to the benefits of the scheme as follows:
- The provision of both market and affordable dwellings;
  - The provision of 40% of the development as Affordable dwellings equating up to 60 affordable dwellings (18 dwellings in excess of policy requirements), including Affordable Private Rent units;

- The provision of additional choice within the housing market, through the delivery of Build to Rent units (Affordable Private Rent);
- The provision of Bungalows to meet a specific housing need;
- The over-provision of Open Space, specifically informal recreation space which complements and enhances the recreation facility and open space provision of the adjoining Wymondham Rugby Club (totalling 1.91 hectares against a requirement of 1.69 hectares);
- The Charitable status of the applicant.

5.18 The Appellants contend that significant weight should be given to the delivery of housing. However, the Council can demonstrate that it is delivering a housing land supply that considerably exceeds five years across the three districts that comprise the Greater Norwich Area.

5.19 As such, it is considered that the contribution the development would make to what is a strong housing land supply, is of little weight.

5.20 Affordable housing is to be provided on the site consisting of 60 units (40%), of which 10 could be delivered as affordable private rent. This represents an overprovision of 18 affordable homes above policy requirements, which follows an amendment to the originally submitted application to increase the number of affordable homes from 52 (34.7%) affordable homes to 60. This follows an updated Economic Viability Analysis provided by the Appellants to demonstrate that the development is capable of supporting an increased provision of affordable housing.

5.21 In addition, the scheme proposes to provide an element of bungalows for affordable rent on the site, secured by way of the Building Heights Parameters Plan which fixes a maximum height of up to 1.5 storeys in the norther part of the site.

5.22 It is noted that there is a currently a small undersupply of affordable dwellings (less than 2%) in the wider housing market area as set out above. However, this is not of the magnitude suggested by the Appellants, and with the most recent three years having been in excess of the SHM requirements and in reality equates to only 60 affordable dwellings in total, and only 18 more than Policy 4 of the JCS requires in any event (28%). Consequently, whilst positive weight is attached to the overprovision of affordable housing in this scheme, it is considered that the benefits of additional affordable housing in this case does not provide “overriding benefits” particularly given that affordable housing is being provided through site allocations and other sites referred to above.

5.23 In regard to open space the proposal includes 1.91 hectares of recreational open space against an approximate overall requirement of 1.74 hectares based on the proposed indicative mix of homes when calculated using the Council’s adopted Open Space SPD. This represents a modest overprovision of 0.17 hectares of recreational open space, the majority of which is proposed to be delivered as informal recreation space.

- 5.24 With regards to formal open space, no older children's or adult recreation space is proposed as part of the development, which represents an under provision of 0.67 hectares of formal recreation space as defined by the Open Space SPD. However, it is noted that this is included as part of the total recreational open space provision and that the site is located directly adjacent the Wymondham Rugby Club complex, which provides for formal sports provision. As such, whilst it is accepted that the proximity of these facilities to the site are adequate to meet the overall requirements of the Council's Recreational Open Space Standards for Residential Areas and DM3.15 of the Local Plan, the weight to be given to the provision of open space is neutral, given the modest amount of additional recreation space proposed and especially when taking into account the fact that there is an under provision of on-site informal open space.
- 5.25 The enhancement of footpath FP26 is a potential further benefit from the scheme. However, as the footpath already exists and its enhancement is not required, neutral weight is given to it.
- 5.26 In addition, it is noted that the Appellants contend that the Charitable status of the landowner is a further benefit. Whilst this is not contested, this is considered a neutral in the planning balance given that there are no guarantees regarding how any additional income generated from the increased land value of this development, could be spent.
- 5.27 To conclude, the appeal proposal is contrary to the development plan which does not support development outside of settlement boundaries save for where the scheme provides overriding benefits (Policy DM1.3 (d)). None of the benefits of the scheme identified by the Appellants are considered to be 'overriding' such that the benefit should displace the requirement to keep development within settlement boundaries.

*Conflict with the development plan due to unacceptable impacts on the rural character of the landscape, including views from the public footpath (FP26) (refusal reason 1)*

- 5.28 Policy DM45.5 states:

*Policy DM 4.5 Landscape Character and River Valleys All development should respect, conserve and where possible, enhance the landscape character of its immediate and wider environment. Development proposals that would cause significant adverse impact on the distinctive landscape characteristics of an area will be refused.*

*All development proposals will be expected to demonstrate how they have taken the following elements (from the 2001 South Norfolk Landscape Assessment as updated by the 2012 review) into account:*

- *The key characteristics, assets, sensitivities and vulnerabilities;*
- *The landscape strategy; and*
- *Development considerations.*

*Particular regard will be had to protecting the distinctive characteristics, special qualities and geographical extents of the identified Rural River Valleys and Valley Urban Fringe landscape character types.*

- 5.29 The Appeal site is within the D1 Landscape Character Area (LCA) Wymondham Settled Plateau Farmland. The Development Considerations contained within the LCA include the criterion:

*• maintain the nucleated clustered character of the settlements and limit edge sprawl out into the adjacent landscape; well-planned infill and edge development may be acceptable;*

- 5.30 The Council's case is that the highly-sensitive users of the public right of way FP26 approaching the site will experience views of the proposed development that will give an impression of sprawl of the settlement of Wymondham contrary to the development considerations in the LCA.

- 5.31 In its visual assessment for visual receptors using the public rights of way, the Landscape and Visual Appraisal submitted with the application described:

*7.30 The views gained by visual receptors travelling along the local footpath are considered to have a Medium value as although the route is not located within any designated landscapes, it is well used by local people. The visual receptors using the local route have a High susceptibility to the Proposed Development as when witnessing views, they are likely to be focused on the enjoyment of the landscape. The High susceptibility and Medium value means that visual receptors passing along the footpath are considered to have a High sensitivity to change.*

*7.31 Development on the Site would be visible at close range for the visual receptors using the local footpath where the housing would be set amongst vegetation that forms a Landscape Strategy for the Site. Close range views of the Proposed Development would filter views towards it and maintain a sense of rurality for the visual receptors as they pass along the section of the footpath within the Site. Views from the section of the route that passes through the Site formerly extended into an enclosed agricultural field would be replaced with shorter extent views and the Proposed Development would cause a Medium magnitude of effect, resulting in a Moderate adverse effect upon receptors passing along this short section of the wider route. Similarly, the Proposed Development would cause a Medium magnitude of effect to night time views along this section of the route lighting at the rugby club is partially visible, resulting in a Moderate adverse effect.*

- 5.32 It should be noted that 7.31 refers to close-range views, acknowledging that the development will be visible. However, the screening effect of the existing vegetation will be reduced when viewed from points less close range, further along FP26.

- 5.33 In its letter of 26 June 2019, Barton Willmore confirms that *“it is anticipated that the proposals will reflect the distribution of existing and consented development, that is character, heights and distribution, and would not be dissimilar to the surrounding residential development at Becket’s Grove, Whispering Oaks and Elm Farm”* and as such, *“any views of the proposals would be very similar to those of Becket’s Grove”*. With Becket’s Grove substantially complete it is clear that views of the development can be discerned from FP26, despite the existing vegetation. It is clear that the existing development at Becket’s Grove is not entirely screened by its boundary vegetation.
- 5.34 The vegetation along the boundary of Becket’s Grove is plantation that is predominantly trees. The existing vegetation at the Appeal site along the site boundary toward FP26 (which is to be retained) is mature hedgerow. Whilst the indicative submitted scheme allows for augmentation of this feature, there will be limited scope to achieve planting similar to the plantation, and therefore cover, at Becket’s Grove.
- 5.35 In addition to the effect of the proposed development experienced from FP26, there will be adverse effects for users of the path as it passes directly through the Appeal site itself.
- 5.36 At present (and as it traverses the Appeal site) users of FP26 experience an agricultural field, almost completely surrounded by hedgerows with trees, as confirmed by the Site Appraisal Photographs within the LVA. There is little sense of development - especially during the summer months - from within the Appeal site. Looking north, there is a sense of openness of landscape; for the footpath user traveling out of the settlement, this is the start of the countryside experience.
- 5.37 For the footpath user walking southwards along on FP26 within the Appeal site, notwithstanding the approval of development at the adjacent Beckett’s Grove site (2019/0536), the anticipated effect will be of a view which is not dominated by built form. The approved layout for 2019/0536 is set out on Planning Layout drawing ELM-PL01 rev J of CD11/1. Whilst a few of the approved dwellings are set closer to the boundary (plots 691, 713, 718, 719 and 720) the majority of the area alongside the boundary is dedicated as public open space with drainage attenuation basins, which sets back most of the built area from the boundary.
- 5.38 Using the methodology set out in the submitted Landscape and Visual Appraisal, the Council does not agree with the conclusion of the LVA (in 7.31) that the visual effect for the users of FP26 as it passes through the site would cause a Moderate adverse effect. The Council’s assessment is that the effect will be a Major Adverse effect and as such constitutes significant harm for the users of FP26. This is based on a Medium sensitivity of visual receptor (people engaged in outdoor recreation, where their appreciation of their surroundings is incidental to their enjoyment combined with a Low value of view) combined with a Large Magnitude of Effect (change).



- 5.39 The identified Major Adverse effect demonstrates a significant adverse impact on the distinctive landscape character and as such, the appeal proposal is contrary to Policy DM 4.5 and Joint Core Strategy Policy 2.

*Loss of a significant section of hedgerow (refusal reason 2)*

- 5.40 Policy DM 4.8 (Protection of Trees and Hedgerows) of the South Norfolk Local Plan Development Management Policies Document (adopted October 2015) states:

*The Council will promote the retention and conservation of significant trees, woodlands and traditional orchards and will serve Tree Preservation Orders where necessary.*

*The Council will presume in favour of the retention of 'important' hedgerows as defined by the Hedgerows Regulations 1997.*

*The Council will safeguard and promote the appropriate management of protected and other significant trees and hedgerows, unless the need for, and benefits of, a development clearly outweigh their loss.*

- 5.41 It should therefore be noted that the policy does not make provision for the part removal of 'important' hedgerows and that no measurement or proportion of acceptable removal is cited. This is strengthened by the supporting text for the policy, which states at paragraph 4.72:

*The Hedgerows Regulations 1997 make it clear that the presumption is in favour of retaining hedgerows that qualify as 'important' unless satisfied that the circumstances justify removal. On development sites, the Council will promote and encourage the retention of hedgerows; the presumption will be for the retention of all sections of 'important' hedgerows.*

- 5.42 Under the policy the removal of any section of 'important' hedgerow, regardless of length, is therefore unacceptable unless the benefits of a development clearly outweigh the loss.

- 5.43 The proposed development requires the removal of one 15-metre long section of hedgerow (identified as H2 within the submitted Arboricultural Impact Assessment (CD2/18), but as H4 within the Ecological Appraisal (CD2/17)) to facilitate a road connection from the adjacent development. The created gap will then be surfaced with a metalled road complete with standard kerbing, constructed to adoptable highway standards.

- 5.44 The Hedgerows Regulations 1997 (CD8/1) apply to countryside hedgerows and controls their removal through a system of notification. Originally a boundary between two agricultural fields, H2/H4 is within the site of the approved residential development (2019/0536).

- 5.45 As the hedgerow is largely retained as a feature of public open spaces within the approved scheme and will not form the boundary per se of any domestic

garden (see approved drawing ELM-PL01 rev J) (CD11/1 it remains subject to the Regulations.

- 5.46 Whilst the approved Planning Layout for the adjacent development allows for a connection to the Appeal site, this is to enable the developers to honour a legal agreement; it does not constitute acceptance by the Council that the connection should be made. Indeed, condition 4 of the approval of reserved matters specifically ensures that the hedgerow remains intact:

*The removal of a section of hedgerow H6 as shown on plan OAS-19-173-TS01 Rev A submitted on 25 September 2019 allowing access to the adjacent land, shall not occur until such a time as the adjacent site has planning permission, unless otherwise agreed in writing with the Local Planning Authority.*

- 5.47 [Note that H6 in this context is the same as H2/H4 referred to in the Appeal site documents]

- 5.48 Whilst a full assessment against all the ‘importance’ criteria set out in the Hedgerows Regulations 1997 has not been set out, the application documents provide evidence that H2/H4 is likely to be ‘important’. Paragraph 4.6.2 of the submitted Ecology Appraisal describes (CD2/17):

*The hedgerows within the Site are relatively substantial and contain a number of standard trees. From a preliminary appraisal, H1 and H4 are considered to be species-rich<sup>14</sup> and are likely to qualify as ecologically ‘important’ under the Hedgerows Regulations 1997, based on the number of woody species and associated features.*

- 5.49 The Ecology Technical Note (TN2: Consideration of Effects on Important Hedgerows, dated 20 January 2020) (CD2/43) reaffirms this within its paragraph 3.2, stating

*“hedgerows H1 and H4 at the western and southern boundaries of the site respectively are considered likely to qualify as ‘important’ hedgerows.”*

- 5.50 The Ecological Appraisal only considers the wildlife and landscape criteria of the Hedgerows Regulations 1997. Elsewhere, available evidence suggests that other criteria are met too, with the field boundary featuring on the Tithe Map records held by Norfolk County Council at the Norfolk Records Centre and accessible online via Norfolk Historic Map Explorer.

- 5.51 The Council’s case is that because the evidence available indicates that the hedgerow identified as both H2 and H4 within the application submission documents is likely to be ‘important’, that Policy DM4.8 applies, and the hedgerow should be retained in its entirety.

- 5.52 Whilst the Ecology Technical Note (TN2: Consideration of Effects on Important Hedgerows, dated 20 January 2020) argues that the removal of a section of hedge H4 would be permitted under Regulation 6 – (1)(c), exceptions to the Regulations are not relevant as the Council’s assessment against its own planning policy. Notwithstanding this, the Council does not agree with TN2, interpreting the exception as to relate to the current use of the land, and not for a proposed future situation.
- 5.53 TN2 also argues that it is acceptable to create a new gap provided that it does not exceed 20 metres as the Hedgerows Regulations 1997 include gaps less than 20 metres as being part of an overall hedgerow. This is not the same as agreeing that such gaps are acceptable. Indeed, if (independent of this application) a party were to propose notification to remove the same 15-metre section of hedge in order to create a supplementary access, it would be reasonable to assume that such a request would be denied, as gaps by their very nature result in a decreased quality of the feature.
- 5.54 Whilst it may be the case that wildlife might be able to traverse a 15-metre wide gap within a hedge, the Council considers that no gap at all is more conducive to fauna connectivity. Furthermore, as the proposed gap is host to a metalled road (with associated kerbs etc.) as opposed to an organic surface, the crossing will be less successful than if left in its ‘natural’ state. The County Ecologist, in their email of 11 February 2020, supports this view.

## **Planning Balance**

- 6.1 As set out in S38(6) of the Planning and Compulsory Purchase Act 2004 and the NPPF, decisions must be made in accordance with the development plan unless material considerations indicate otherwise.
- 6.2 Policy DM1.3 sets out that development should be granted for development outside of development boundaries where it is demonstrated that there are overriding economic, social and environmental benefits from the development. It is not disputed that the development will provide benefits as set out; the contention is to whether these benefits are overriding in terms of policies DM1.3.
- 6.3 In this appeal a key consideration is the strategic harm of developing in an unplanned way outside of the development boundary. This development, by its nature, conflicts with the visions and objectives for the area as set out in the Area Action Plan and paragraphs 15, 17 and 20 of the NPPF.
- 6.4 In this context, development could not possibly be considered to have overriding benefits and therefore the application falls contrary to the development plan as a whole.
- 6.5 The harms from the development set out in this Statement of Case are clear.

- 6.6 Firstly, there is the harm to the integrity of a plan-led system of allowing development outside of the development boundary where a housing land supply that greatly exceeds five years can be demonstrated and the Local Plan provides for allocations that allow for land to be developed in excess of that set out in the Joint Core Strategy.
- 6.7 Secondly, the development would lead to harm to views across open countryside and the local landscape character, resulting in significant adverse harm as identified in the Committee Report, which in its own right is significant enough to justify refusal under Policy DM4.5 and would clearly require significant benefits to be overridden in accordance with Policy DM1.3.
- 6.8 The weight to be given to the additional housing is diminished by a housing land supply with considerable land allocated for development. As such, there is little benefit or justification for the development proposed on land outside of the development boundary and the weight to be given to the new housing proposed is modest.
- 6.9 The provision of affordable housing, Build to Rent units and bungalows, are benefits, but for the reasons set out are considered to be modest.
- 6.10 Furthermore, the over provision of informal recreation open space and proximity of the site to the Wymondham Rugby Club facilities; footpath enhancements and the charitable status of the applicant, are also considered neutral in the planning balance for the reasons set out above.
- 6.11 Given that only neutral to modest weight can be given to the identified benefits, they cannot be considered overriding. This is particularly the case given the significant adverse impacts and level of harm identified to the landscape and protected hedge. These impacts alone should be given significant weight and are sufficient to outweigh the presumption created by the application, even if the tilted balance were engaged.
- 6.12 In terms of its sustainability and whilst it would be located reasonably close to local services and facilities, it would be outside the settlement and harm the character and appearance of the area as explained above. An overall assessment of the proposal's sustainability is therefore limited in terms of the policy advice set out in the Framework and in Local Plan Policy DM 1.1.

## **Summary and Conclusion**

- 7.1 Section 38 (6) of the Planning and Compulsory Purchase Act requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise.
- 7.2 The Council has demonstrated a housing land supply that greatly exceeds five years and has exceeded the housing delivery test. As such, Policy DM1.3 should be given full weight in determining an application for housing outside of the development boundary for the settlement.

- 7.3 Policy DM1.3 states that development should only be permitted outside of development boundaries where specific development management policies allow or where there are overriding economic, social and environmental benefits from the development. No specific development management policies allow for the development so therefore the development should only be allowed if overriding benefits can be demonstrated.
- 7.4 The benefits identified by the Appellants cannot be considered overriding as the new housing only has modest weight in light of the Council's housing land supply, whilst the open space provided is also only given neutral weight. The affordable housing would also be a benefit, but whilst noting it is slightly above the policy requirement it is still considerably short of the level that would be required to be considered as a rural exception site and therefore again has only modest weight.
- 7.5 The proposed development therefore fails to accord with policy DM1.3 as no overriding benefits have been established. As such the proposal is not in accordance with the development plan.
- 7.6 In addition to the proposal being contrary to the Council's housing policies (including failing to provide overriding benefits), the development would also cause harm to the environment through the loss of a section of 'important' hedgerow and harm to the landscape contrary to policies DM4.5 and DM4.8
- 7.7 Visual harm has been identified from a number of viewpoints of the development. Whilst mitigation is proposed, this will take many years to establish and there will remain some harm even after this mitigation is established.
- 7.8 The proposed development cannot be considered to be a sustainable form of development due to the environmental harm it would cause. In the event that the 'titled balance' applied (which the Council refutes) the development should not be allowed as the environmental harm alone significantly and demonstrably outweighs the benefits.

The Inspector is therefore respectfully requested to dismiss the appeal.

**Appeal Core Documents List V3 with documents added by the Council (highlighted in yellow of CD11)**

**CD1 Appeal Documents**

CD1/1	Appeal submitted to the Planning Inspectorate, 17 July 2020 – excluding application documents in Core Document List
CD1/2	LPA Appeal Questionnaire, including supporting document, relevant development plan policies, neighbourhood responses and comments from statutory consultees
CD1/3	Appellant's Statement of Case, 10 September 2020
CD1/4	LPA's Statement of Case dated, March 2021
CD1/5	Statement of Common Ground, March 2021

**CD2 Planning Application Documents**

<b>Original Submission</b>	
CD2/1	Original Planning Application Form
CD2/2	Covering Letter, dated 21 January 2019
<b>Application Drawings</b>	
CD2/3	Site and Location Plan – Dwg RG-M-04 Rev D
CD2/4	Land Use Parameter Plan – Dwg RG-M-01 Rev G
CD2/5	Building Heights Parameter Plan – Dwg RG-M-18 Rev D
CD2/6	Access Drawings – Dwg 03/201 Rev B
<b>Supporting Information/Plans</b>	
CD2/7	Illustrative Masterplan - Dwg RG-M-04 Rev H
<b>Supporting Documents</b>	
CD2/8	Design and Access Statement – Prepared by Barton Willmore, dated January 2019
CD2/9	Planning Statement – Prepared by Barton Willmore, dated January 2019
CD2/10	Landscape and Visual Appraisal – Prepared by Barton Willmore, dated January 2019
CD2/11	Transport Assessment – Prepared by Create Consulting Engineers, dated January 2019
CD2/12	Travel Plan – Prepared by Create Consulting Engineers, dated January 2019

CD2/13	Flood Risk Assessment and Drainage Strategy – Prepared by Create Consulting Engineers, dated January 2019
CD2/14	Phase 1 Contamination Land Assessment – Prepared by Create Consulting Engineers, dated January 2019
CD2/15	Utilities Assessment – Prepared by Create Consulting Engineers, dated January 2019
CD2/16	Energy Statement – Prepared by Create Consulting Engineers, dated January 2019
CD2/17	Ecological Appraisal – Prepared by Aspect Ecology, dated January 2019
CD2/18	Arboricultural Impact Assessment – Prepared by Aspect Arboriculture, dated January 2019
CD2/19	Cultural Heritage Desk-Based Assessment – Prepared by CGMS heritage, dated January 2019
<b>Documents/Plans Supplied Post Submission</b>	
CD2/20	Indicative Surface Water Drainage Strategy – Dwg 02/006 Rev A [attached to CD3/4]
CD2/21	Letter – Submission of Additional Information – Prepared by Barton Willmore, dated 11 June 2019
CD2/22	Pedestrian and Cycle Linkages – Dwg RG-M-20 Rev A [attached to CD2/21]
CD2/23	Great Crested Newt eDNA survey results – Prepared by Aspect Ecology, dated June 2019 [attached to CD2/21]
CD2/24	Letter – Submission of Economic Viability Analysis – Prepared by Barton Willmore, dated 11 June 2019
CD2/25	Economic Viability Analysis – Prepared by Pathfinder, dated 05 June 2019 [attached to CD2/24]
CD2/26	Letter - Response to Landscape Officer comments received 14/06/2019 – Prepared by Barton Willmore, dated 26 June 2019
CD2/27	Site and Location Plan – Dwg RG-M-04 Rev E [attached to CD3/11]
CD2/28	Land Use Parameter Plan – Dwg RG-M-01 Rev H [attached to CD3/11]
CD2/29	Building Heights Parameter Plan – Dwg RG-M-18 Rev E [attached to CD3/11]
CD2/30	Illustrative Masterplan - Dwg RG-M-04 Rev I [attached to CD3/11]
CD2/31	Letter – Planning Application update – Prepared by Barton Willmore, dated 31 October 2019

CD2/32	Advice in the Matter of Land North East of Becket's Grove, Wymondham – Prepared by Morag Ellis QC, dated 25 October 2019 [attached to CD2/31]
CD2/33	Letter – Submission of updated Economic Viability Analysis – Prepared by Barton Willmore, dated 31 October 2019
CD2/34	Update to Economic Viability Analysis (Email) – Prepared by Pathfinder, dated 18 October 2019 [attached to CD2/33]
CD2/35	Scheme Viability Appraisal – Prepared by Pathfinder, dated 14 October 2019 [attached to CD2/33]
CD2/36	Site and Location Plan – Dwg RG-M-04 Rev F [attached to CD3/14]
CD2/37	Land Use Parameter Plan – Dwg RG-M-01 Rev J [attached to CD3/14]
CD2/38	Building Heights Parameter Plan – Dwg RG-M-18 Rev F [attached to CD3/14]
CD2/39	Letter – Planning Application update – Prepared by Barton Willmore, dated 20 December 2019
CD2/40	Land Use Parameter Plan – Dwg RG-M-01 Rev K [attached to CD3/18]
CD2/41	Building Heights Parameter Plan – Dwg RG-M-18 Rev G [attached to CD3/18]
CD2/42	Illustrative Masterplan - Dwg RG-M-04 Rev J [attached to CD3/18]
CD2/43	Consideration of Effects on Important Hedgerows – Prepared by Aspect Ecology, dated 20 January 2020

### **CD3 Other Correspondence between Appellant and South Norfolk (and others)**

<b>Pre-submission Correspondence</b>	
CD3/1	Pre-Application Advice Request – Prepared by Barton Willmore, dated 19 November 2018
CD3/2	Pre-Application Advice (email) – Prepared by South Norfolk District Council, dated 13 December 2018
<b>Post-submission Correspondence</b>	
CD3/3	Email to South Norfolk regarding Submission of Outline application – Prepared by Barton Willmore, dated 21 January 2019
CD3/4	Email to South Norfolk regarding Lead Local Flood Authority consultation response – Prepared by Barton Willmore, dated 03 April 2019



CD3/5	Email to Norwich County Council regarding Environment Team consultation response – Prepared by Barton Willmore, dated 10 May 2019
CD3/6	Email to Barton Willmore regarding meeting to discuss application and summary of potential benefits – Prepared by South Norfolk District Council, dated 02 May 2019
CD3/7	Summary of Potential Benefits Note – Prepared by South Norfolk District Council, undated [attached to CD3/6]
CD3/8	Email to Barton Willmore regarding Council's 5YHLS and policy position – Prepared by South Norfolk District Council, dated 10 July 2019
CD3/9	Email to Barton Willmore regarding abeyance of determination awaiting outcome of St Mary's Road, Long Stratton appeal – Prepared by South Norfolk District Council, dated 24 July 2019
CD3/10	Email to Barton Willmore regarding Council's policy position post St Mary's Road, Long Stratton appeal - Prepared by South Norfolk District Council, dated 23 September 2019
CD3/11	Email to South Norfolk regarding amendments to red-line and plans – Prepared by Barton Willmore, dated 27 September 2019
CD3/12	Email to South Norfolk regarding Letter – Planning Application update – Prepared by Barton Willmore, dated 31 October 2019
CD3/13	Email to Barton Willmore regarding response to Letter – Planning Application update – Prepared by South Norfolk District Council, dated 27 November 2019
CD3/14	Email to South Norfolk regarding amendments to red-line and plans – Prepared by Barton Willmore, dated 19 December 2019
CD3/15	Email to South Norfolk regarding re-consultation and application position – Prepared by Barton Willmore, dated 03 January 2020
CD3/16	Email to South Norfolk regarding request of deferral from 15 January 2020 Development Management Committee agenda – Prepared by Barton Willmore, dated 09 January 2020
CD3/17	Email to Barton Willmore regarding deferral from 15 January 2020 Development Management Committee agenda – Prepared by South Norfolk District Council, dated 09 January 2020
CD3/18	Email to South Norfolk regarding amendments to plans – Prepared by Barton Willmore, dated 17 January 2020
CD3/19	Email to Barton Willmore regarding response to Barton Willmore email of 17 January 2020 – Prepared by South Norfolk District Council, dated 17 January 2020.

CD3/20	Email to South Norfolk regarding submission of Consideration of Effects on Important Hedgerows note – Prepared by Barton Willmore, dated 21 January 2020
CD3/21	Email to Barton Willmore regarding response to Revised Plans and Hedgerow note – Prepared by South Norfolk District Council, dated 31 January 2020
CD3/22	Email to South Norfolk regarding response to 12 February 2020 Development Management Committee Report – Prepared by Barton Willmore, dated 06 February 2020
CD3/23	Email to South Norfolk regarding request for 06 February 2020 email to be shared with Planning Committee Members – Prepared by Barton Willmore, dated 10 February 2020
CD3/24	Email to Barton Willmore regarding confirming request for 06 February 2020 email to be shared with Planning Committee Members – Prepared by South Norfolk District Council, dated 10 February 2020

**CD4 South Norfolk District Council Reports, Committee Documents and Decision Notice (extracts where appropriate)**

CD4/1	Decision Notice, dated 13 February 2020
CD4/2	Deferred Development Management Committee Report, dated 15 January 2020
CD4/3	Development Management Committee Report, dated 12 February 2020
CD4/4	Development Management Committee Decision Sheet, no date
CD4/5	Minutes of 12 February 2020 Development Management Committee, no date

**CD5 National Planning Policies and Guidance**

CD5/1	National Planning Policy Framework
CD5/2	National Planning Practice Guidance (relevant extracts)

**CD6 South Norfolk District Council Local Planning Policies Guidance and Representations (extracts where appropriate)**

CD6/1	Joint Core Strategy for Broadland, Norwich and South Norfolk (January 2014)
CD6/2	South Norfolk Local Plan Site Specific Allocations and Policies Document (October 2015)

CD6/3	South Norfolk Local Plan Development Management Policies Document (October 2015)
CD6/4	South Norfolk Local Plan Wymondham Area Action Plan (October 2015)
CD6/5	South Norfolk CIL Charging Schedule (February 2014)
CD6/6	South Norfolk CIL Regulation 123 List (February 2014)
CD6/7	South Norfolk CIL Residential Charging Zones Map (April 2012)
CD6/8	Greater Norwich Local Plan Growth Options, Regulation 18 Consultation document (February 2018)
CD6/9	Greater Norwich Local Plan Draft Strategy, Regulation 18 Consultation document (January 2020)
CD6/10	Greater Norwich Local Plan Draft GNLP Sites, Regulation 18 Consultation documents (January 2020), Extract - Introduction and Wymondham
CD6/11	Greater Norwich Local Plan Site Assessment Booklets (January 2020), Extract - Introduction and Methodology, and Wymondham Assessment Booklet
CD6/12	Central Norfolk Strategic Housing Market Assessment 2017 (June 2017)
CD6/13	Central Norfolk Strategic Housing Market Assessment 2017 Supplementary note: Geographic definitions of HMAs (June 2017)
CD6/14	Housing and Economic Land Availability Assessment (HELAA) (December 2017), Extract – Front Cover to Page 10 (Main Report) and Appendix 1: Methodology
CD6/15	Housing and Economic Land Availability Assessment (HELAA) Addendum (October 2018), Extract – Front Cover to Page 2 and Page 417 (Suitability Assessment of North East of Carpenters Barn)
CD6/16	Joint Core Strategy Annual Monitoring Report 2010-2011 (December 2011)
CD6/17	Joint Core Strategy Annual Monitoring Report 2011-2012 (December 2012)
CD6/18	Joint Core Strategy Annual Monitoring Report 2012-2013 (December 2013)
CD6/19	Joint Core Strategy Annual Monitoring Report 2013-2014 (December 2014)
CD6/20	Joint Core Strategy Annual Monitoring Report 2014-2015 (December 2015)
CD6/21	Joint Core Strategy Annual Monitoring Report 2015-2016 (January 2017)
CD6/22	Joint Core Strategy Annual Monitoring Report 2016-2017 (April 2018)
CD6/23	Joint Core Strategy Annual Monitoring Report 2017-2018 (October 2019)
CD6/24	Joint Core Strategy Annual Monitoring Report 2018-2019: Main Report (January 2020)
CD6/25	Joint Core Strategy Annual Monitoring Report 2018-2019: Appendices with statements (January 2020)
CD6/26	South Norfolk Residential Land Availability April 2016 – March 2017 (May 2017)
CD6/27	South Norfolk Residential Land Availability April 2017 – March 2018 (June 2018)
CD6/28	South Norfolk Residential Land Availability April 2018 – March 2019 (June 2019)

CD6/29	South Norfolk Residential Land Availability April 2019 – March 2020 (July 2020)
CD6/30	Broadland District Council Local Plan Growth Triangle Area Action Plan (July 2016)
CD6/31	Greater Norwich City Deal
CD6/32	Greater Norwich Area Housing Land Supply Assessment at 01 April 2020 (March 2021)
CD6/33	South Norfolk Residential Land Availability April 2019 - March 2020 (Amended December 2020)
CD6/34	Local Development Scheme for South Norfolk (February 2021)
CD6/35	Greater Norwich Local Plan Pre-Submission Draft Strategy (February 2021)
CD6/36	Greater Norwich Local Plan Pre-Submission Draft Sites Plan Introduction (February 2021)
CD6/37	Greater Norwich Local Plan Pre-Submission Draft Sites Plan Main Towns (February 2021)

#### **CD7      Landscape**

CD7/1	South Norfolk Landscape Assessment Volume 1 (June 2001)
CD7/2	South Norfolk Landscape Assessment Landscape Character Type D: Settled Plateau Farmland (June 2001)
CD7/3	South Norfolk Landscape Assessment D1: Wymondham Settled Plateau Farmland (June 2001)
CD7/4	National Character Area 83 South Norfolk and High Suffolk Claylands (March 2014)
CD7/5	Guidelines for Landscape and Visual Impact Assessment, 3 <sup>rd</sup> Edition (2013)

#### **CD8      Other Legislation (extracts where appropriate)**

CD8/1	The Hedgerow Regulations 1997
CD8/2	The Community Infrastructure Levy Regulations 2010
CD8/3	The Community Infrastructure Levy (Amendment) (England) (No. 2) Regulations 2019

#### **CD9      Relevant Application / Appeal Decisions / Judgments**

CD9/1	Land off St Mary's Road, Long Stratton – Appeal Decision, August 2019 (PINS ref. APP/L2630/W/18/3215019)
CD9/2	Land at Parcel A, B and C, Wymondham Rugby Football Club – Appeal Decision, September 2016 (PINS ref. APP/L2630/W/15/3007004)

CD9/3	Land north of Nine Mile Ride, Finchampstead – Appeal Decision, April 2020 (PINS ref. APP/X0360/W/19/3238048)
CD9/4	Carpenters Farm (Becket's Grove Phase 2) Committee Report (June 2012)
CD9/5	Wymondham Rugby Club and Elm Farm Committee Report (December 2015)
CD9/6	Land north of Upper Chapel, Launceston – Appeal Decision, April 2014 (PINS ref. APP/D0840/A/13/2209757)
CD9/7	Land at Fountain Lane, Davenham – Appeal Decision, September 2014 (PINS ref. APP/A0665/A/14/2226994)
CD9/8	Land rear of 62 Iveshead Road – Appeal Decision, February 2016 (PINs ref. APP/X2410/W/15/3007980)
CD9/9	Land at Sibford Road, Hook Norton – Appeal Decision, December 2015 (PINs ref. APP/C3105/A/14/2226552)
CD9/10	Land at buildings off Watery Lane, Curborough – Appeal Decision, February 2017 (PINS ref. APP/K3415/A/14/2224354)
CD9/11	Suffolk Coastal v Hopkins Homes Ltd – Supreme Court Judgement, 10 May 2017
CD9/12	Land at Pear Tree Lane, Euxton – Appeal Decision, 11 August 2020 (PINs ref. APP/D2320/W/20/3247136)
CD9/13	Land North of Norwich Common, Wymondham – Appeal Decision, 11 November 2009 (PINs ref. APP/L2630/A/09/2097802)
CD9/14	Land off Popes Lane, Sturry - Appeal Decision, 03 September 2019 (PINs ref. APP/J2210/W/18/3216104)
CD9/15	CD9,15 - Land to the east of Memorial Hall, Brundall, Norfolk - Appeal Decision, 11 November 2020 (PINs ref. APP/K2610/W/19/3239986)

#### **CD10 Other Relevant Documents**

CD10/1	Start to Finish, What factors affect the built-out rates of large scale housing sites? – Prepared by Lichfields, dated February 2020
CD10/2	Planning for the Future White Paper – Prepared by Ministry of Housing, Communities and Local Government, dated August 2020
CD10/3	Changes to the current planning system Consultation paper – Prepared by Ministry of Housing, Communities and Local Government, dated August 2020
CD10/4	Paul Harris Proof of Evidence, Appeal reference 3188235 – April 2018
CD10/5	Technical Consultation on updates to national planning policy and guidance – Prepared by Ministry of Housing, Communities and Local Government, dated October 2018
CD10/6	Broadland Planning Committee report 09 September 2020

CD10/7	Start to Finish, How quickly do large-scale housing sites deliver? – Prepared by Lichfields, dated November 2016
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#### **CD11 Other Relevant Documents added by South Norfolk Council**

CD11/1	Approved Site Layout drawing ELM-PL01 rev J of planning permission ref 2019/0536
CD11/2	Decision Notice of planning permission ref 2019/0536
CD11/3	Land west of Milestone Lane, Wicklewood, Norfolk. Appeal Decision 8 February 2021 (PINS Ref: APP/L2630/W/20/3255672)
CD11/4	Land West of Intwood Road, Cringleford, Norwich. Appeal Decision 8 February 2021 (PINS Ref: APP/L2630/W/20/3260880)
CD11/5	Appendix 5 – Council's response of Appellant's 'worst case scenario' assessment of sites in the 2019 Land Supply Statement
CD11/6	Tree Protection Plan OAS 19-173-TS01 Rev A of Planning Permission ref 2019/0536
CD11/7	South Norfolk Local Plan Inspectors Report September 2015