PLANNING PROOF OF EVIDENCE [& SUMMARY]

APPEAL REFERENCE: APP/F2605/W/16/3154813

LAND SOUTH OF MALLARD ROAD, WATTON

ON BEHALF OF THE APPELLANT [MARK DAKEYNE, JANET STRICKLAND-MILLER, NICHOLAS RICKETT & TESNI PROPERTIES LTD]

MAY 2017

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1.0 Introduction

1.1 I am Richard Gee. I am a town planning consultant with over 20 years professional experience. I have worked in both the public sector and (for the past 16 years or so) in the private sector.

1.2 I have worked for three of the UK’s leading planning consultancy firms (GVA Grimley, DPP and RPS), and for over 10 years I have run my own planning consultancy firm, Roman Summer Associates Ltd.

1.3 I represent a wide range of clients and handle planning-related projects across the UK. This includes housing, retail and leisure schemes and mixed use regeneration projects.

1.4 I was not involved in my client’s planning application, but was approached shortly after its refusal and requested to become involved in the appeal process.

1.5 The evidence that I have prepared and provide for this appeal in this Proof of Evidence is true, and I confirm that the opinions expressed are my professional opinions.
2.0 Background and Determination

The Appellant’s Evidence

2.1 This Proof of Evidence relates to the refusal by Breckland Council of outline planning application ref: 3PL/2015/0254/O) (all matters reserved aside from access) that promotes up to 177 dwellings on greenfield land south of Mallard Road, Watton, Norfolk.

2.2 The Appellant’s evidence is set out in five Proofs of Evidence:

- Proof produced by Mr. Richard Purser of DPP deals with the topic of housing land supply [CD I5].
- Proof produced by Mr. Carl Taylor of TPM Landscape deals with landscape and townscape impacts [CD I8].
- Proof produced by Dr. Alan Kirby of Amec Foster Wheeler deals with the topic of stone curlews [CD I6 & I7].
- Proof produced by Alan Davies of DTPC covers transportation and accessibility issues, including an assessment of the sustainability of the location [CD I9].

2.3 My own Proof deals with land use planning matters, related policies, and planning benefits / balance. I also append supplementary papers to update the Inspector on matters beyond my own expertise, namely:

- Ecology (ATMOS Consulting) – this is an overview of general ecological considerations prepared by Jenny Bell (Principal Ornithologist of ATMOS Consulting). Mrs. Bell produced all of the ecological information that was presented as part of the planning application. As I note above, Dr. Kirby’s evidence addresses the specific topic of potential impacts on the stone curlew population.
- Flood Risk Statement (BLI Consulting Engineers Ltd) – this has been produced to respond specifically to third party representations raised as part of the appeal process, and includes a review of the flood risk / drainage information that was submitted with the application and the endorsement of that by Anglian Water, Environment Agency, and the Lead Local Flood Authority (Norfolk County Council).
• Agricultural land quality in the guise of an Agricultural Land Classification Report (produced by ADAS).

Determination of the Planning Application

2.4 The application was submitted to the Council on 26 February 2015.

2.5 It was recommended for approval by officers of Breckland Council, but was ultimately refused for 4 reasons by the Planning Committee (on 28 April 2016) [CD E3], namely:

1. The application site lies outside the Settlement Boundary for Watton, as defined in the Council’s Proposals Map, in an area where a generally restrictive approach to new residential development applies. Policy CP14 of the Council’s Core Strategy seeks to limit new housing outside defined settlement boundaries in order to focus development in sustainable locations and to protect the form and character of settlements. Additionally, Core Strategy Policy CP11 states that the rural landscape of the District will be protected for the sake of its intrinsic beauty and biodiversity, whilst Policy DC1 requires consideration to be given to the impact of development on the quality of the surrounding landscape or townscape.

The proposal would result in a significant extension of built development outside the settlement boundary of Watton. The proposal would transform the appearance of the site, resulting in a loss of openness which would detract from the rural setting of the town and the visual amenities of the area. The proposal would thus conflict with Core Strategy Policies CP11, CP14 and DC1.

2. A significant part of the application site falls within the 1500m buffer zone drawn for the purposes of Core Strategy Policy CP10 around parts of the Breckland Special Protection Area (SPA) that support or are capable of supporting stone curlews. Policy CP10 indicates that permission will only be granted for development within the 1,500 metre buffer zone if it is demonstrated that the development would not adversely affect the integrity of the SPA.

In the opinion of the Council it has not been demonstrated satisfactorily that the development would not have an adverse effect on the integrity of the SPA. In this respect it is noted, in particular, that despite the paucity of stone curlew nesting records in the SPA close to the application, this part of the SPA remains capable of providing suitable habitat...
for breeding stone curlews. Research undertaken by the Council demonstrates an association between buildings and significantly reduced nesting density of stone curlews to a distance of at least 1,500 metres. Furthermore, notwithstanding proposals to manage recreational pressures, disturbance to nesting stone curlews from increased use of local footpaths, which provide access to the SPA, could still occur.

Consequently, it has not been shown conclusively that the proposal would not be likely to have an adverse effect on the integrity of the SPA. The proposal would therefore conflict with Core Strategy Policy CP10 and the provisions of the Conservation of Habitats and Species Regulations 2010. The proposal would also run counter to the guidance set out in paragraphs 109 and 118 of the NPPF which indicates that planning decisions should seek to minimise impacts on biodiversity and avoid likely adverse effects on Sites of Specific Scientific Interest.

3. In the absence of proposals to improve healthcare facilities, it is considered that, due to its scale, the proposed development would place unacceptable additional burdens on the Watton Medical Practice to the detriment of the overall well-being of the community. The proposal would thus conflict with Core Strategy Policy CP4, which seeks to ensure that suitable arrangements are put in place to improve local infrastructure when necessary to mitigate the development. It also conflicts with paragraph 70 of the NPPF.

4. The NPPF states that the three dimensions of sustainable development should not be taken in isolation because they are mutually dependent. It is acknowledged that the proposal would provide some economic and social benefits through the provision of housing, including affordable housing, and as a result of construction activities and increased use of local services. However, for the reasons set out above, the proposal would conflict with the local development plan policies and result in harm to the rural setting of the town, threaten important ecological interests and place unacceptable burdens on local healthcare facilities. This harm would be significant and demonstrable, and would outweigh the benefits of the proposal. Accordingly, it is not considered that the proposal would amount to sustainable development.
2.6 Since the appeal was lodged, the Council has confirmed in an open letter dated 19th September 2016 that:

“the local planning authority wishes to withdraw its third reason for refusal relating to the potential effects of the appeal proposal on local healthcare facilities. The Council will therefore present evidence only in respect of the refusal reasons 1, 2 and 4 insofar as they relate to effects on the character and appearance of the area, impacts on the integrity of the Breckland SPA and the overall planning balance.”

2.7 On the above basis, the Council must also have stepped away from the last eight words of RfR 4 (“and place unacceptable burdens on local healthcare facilities”).

2.8 Notwithstanding this, and while it did not comment at application stage, the NHS has since raised an objection to the appeal subject to a request for a financial payment of £65,193 to “form a proportion of the required funding for the provision of the capacity to absorb the patient growth generated by this development”. I will deal with this later in a section on the S106 obligations.

2.9 On 13th September 2016, the LPA confirmed by email that:

“I can confirm that the only ecological matter at issue between the parties is the likely effects of the proposal on stone curlews.”

2.10 The above level of agreement is intended to be reflected in the Ecology Statement of Common Ground to be produced jointly by Mrs. Bell and Dr. Kirby in conjunction with the Council’s ecological advisers.

2.11 At the outset, I would note that the Council does not allege conflict with any adopted or emerging local policies aside from Core Strategy Policies CP11, CP10, CP14 and DC1. RfR 4 appears to raise policies in the round (“The proposal would conflict with the local development plan policies”), but it is vague in that regard. Part (b) of Article 35 of The Town and Country Planning (Development Procedure) (England) Order 2015 states (with my emphasis) that:

‘where planning permission is refused, the notice must state clearly and precisely their full reasons for the refusal, specifying all policies and proposals in the development plan which are relevant to the decision.’
2.12 I therefore take the view that, if there were any other policies that the Council considers to be breached, that should and would have been made explicit in the reasons for refusal (as required by the above Article).

2.13 So, whilst I agree with the Council that there is no breach of any other policies at local level, I disagree with the suggestion that there is conflict with any of the four Core Strategy policies referred to in the reasons.

2.14 I similarly note that the Council does not suggest any conflict with the NPPF, aside from paragraphs 109 and 118 (both of which which relate to ecology). Again, I agree that there is compliance with all other parts of NPPF, but I disagree (having regard to the evidence of ATMOS and Dr. Kirby) with the paragraphs 109 and 118 references. I contend that there is no conflict with any part of the NPPF.

2.15 It flows from that - as far as I understand matters – that all of the following are uncontested between the main parties (ie the appellant and the LPA) except insofar as they relate to the specifics of the three reasons for refusal being pursued by the Council:

- The site is sustainably located.
- The proposal is sustainable.
- The principle of the development is appropriate.
- The type, mix and quantum of houses is acceptable.
- There are no local or strategic transportation concerns in respect of the extent of the details of the site accesses, traffic generation and wider impacts [and there are no objections from the Highway Authority].
- There are no built heritage or archaeological concerns.
- There are no ecological concerns (aside from the impact on stone curlews).
- There are no concerns or objections in respect of trees and hedgerows.
- There are no flood risk or drainage concerns.
- There are no air quality concerns.
• There are no noise concerns.
• There are no concerns about ground conditions or minerals.
• There are no concerns about the loss of BMV agricultural land.

2.16 Beyond the specific reasons for refusal (ecology and landscape / townscape impacts), there is no suggestion in the RfRs that the proposal is not sustainable in the wider sense. I have noted reason 4, but that is a peculiar reason. Its first sentence is simply a statement of fact about what the contents of NPPF, and the rest of it reads as a ‘catch all’ exercise that mops up and repeats points made by the earlier reasons. It asserts that the proposal would conflict with the local development plan policies, but does not – as is required by Article 35 - specify those policies. It asserts that the proposal will result in harm to the rural setting of the town (which is what Reason 1 is suggesting), but does not explain the specifics of actual, extent or type of harm (Mr. Taylor deals with the potential landscape issue in some detail). It also notes that the scheme will threaten important ecological interests, but this is simply repetition of Reason 2. The reason rounds off (having acknowledged certain economic and social benefits) by drawing the conclusion that the proposal is not sustainable. Its last few words deal with impacts on health care, which repeats Reason 3 (now withdrawn by the LPA). So, again, this reason for refusal does not seem to comply with Part (b) of Article 35.

2.17 Such ‘mop up’ reasons have been employed by Breckland on other occasions. For example, a broadly similar reason was attached to application ref: 3PL/2015/0219/F for the erection of houses on land west of Saham Road, Watton. In allowing the appeal (ref: APP/F2605/W/15/3140922), the Inspector wrote at paragraph 3 that:

‘The Council also agreed that reason for refusal number 5 was, in effect, a description of the planning balance which had been undertaken. It did not introduce any new matters of substance which had not already been covered in the preceding reasons.’ [CD C2]

2.18 In allowing the case of APP/F2605/W/15/3137812 (180 dwellings, Thetford Road, Watton) (see Site 32 on the Map at Appendix 1 of my evidence), the Inspector stated at paragraph 1 that:

‘There were five reasons for refusal. Reasons nos. 3 and 4 were resolved by the completion of a section 106 planning obligation. Reason no. 5 was an expression of the planning balance undertaken by the District Council.’ [CD C3]
2.19 Notwithstanding my thoughts about the merits of this fourth reason for refusal (when considered against the other reasons), the Appellant has addressed it in detail in the five proofs of evidence and associated papers. The Appellant contends that the proposal represents sustainable development. The application was recommended for approval partly on that basis. The Committee Report was full and thorough, referring to an extensive consultation exercise, and it robustly interrogated matters of sustainability.

2.20 Mr. Purser concludes in his evidence that the Council is unable to demonstrate a five year supply of housing land. That said – and I say this in full knowledge and appreciation of NPPF §119 - those policies within the development plan which relate to the provision and restriction of housing (including that which governs the appeal site and Watton’s settlement boundary) cannot be considered up to date. The Supreme Court in *Suffolk Coastal*ⁱ has recently upheld the Court of Appeal⁵ decision in relation to the meaning of paragraph 47 of NPPF and the application of paragraph 14.

2.21 The original application was supported by comprehensive information, and during the course of the application further information and correspondence was submitted to the LPA. This is set out in the list of Core Documents.

2.22 As confirmed in the officer’s Committee report, there was/is no objection from Natural England, and no reasons for refusal on any design, heritage, transport, flood risk or drainage grounds. Again, this is a helpful starting point, as it enables all parties to focus predominantly on the four Core Strategy policies cited in the reasons for refusal, and the extent to which the proposal fits with paragraphs 109 and 118 of the NPPF.

2.23 Whilst the RSPB’s concerns are noted, it is the Appellant’s stance that the views of Natural England as the government’s advisor on ecology should be given great weight. This approach is consistent with that taken by the appeal Inspector in relation to housing development proposed close to the SPA at Weeting, (appeal ref APP/F2605/A/12/2172205 – CD C1).

‘Natural England is the Secretary of State’s scientific adviser on the subject of biodiversity. Its evidence should only be rejected where there is clear objective scientific evidence which contradicts it.’[para 36]

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² [2016] EWCA Civ 168 [CD B6]
2.24 My evidence (alongside that of Mssrs. Purser, Taylor, Davies and Dr. Kirby, and supplemented by Mrs. Bell at my Appendix 2) sets out the arguments that the Appellant considers supports the case that planning permission for the appeal proposal should be granted. The evidence addresses the question of whether the appeal proposal is acceptable when assessed against the relevant planning policies at national and local level.

2.25 I can confirm that a Section 106 Unilateral Undertaking is being prepared at the point I write this evidence, and will be included in the updated Core Documents. The S106 will be shared with the legal departments of Breckland Council and Norfolk County Council, and their comments will be taken in consideration. The signed version will be handed to the Inspector at the Inquiry. The S106 reflects the principles as set out in the Committee Report, and will secure the provision of affordable housing, public open space and contributions to school and library services.

2.26 The remainder of this Proof of Evidence is structured as below:

- **Section 3.0** records the context, site, surroundings and proposal.
- **Section 4.0** explains the extent to which the appeal scheme complies with the adopted and emerging development plan, and the weight I consider ought to be attached to those policies.
- **Section 5.0** explains how and why I consider the appeal scheme complies with the NPPF, including why I consider the appeal scheme to be sustainable development (contrary to the conclusion drawn in Reason 4).
- **Section 6.0** discusses technical considerations that are not been covered in the earlier sections;
- **Section 7.0** deals with S106 matters
- **Section 8.0** sets out the planning balance
- **Section 9.0** sets out my overall summary and conclusions.
3.0 CONTEXT, SITE, SURROUNDINGS AND PROPOSAL

CONTEXT

3.1 Breckland’s population is set to grow from the current 138,233 to 153,313 by 2036 (ONS sub-national population projections 2012-2037).

3.2 Thetford (Norfolk’s fourth largest settlement) and Attleborough are major towns and identified as key areas for growth. Dereham, Swaffham and Watton are medium sized Market Towns. These are identified in the development plan as providing a good range of services for residents’ day-to-day needs. In Watton, these include a Doctors’ Surgery, Dentist, Post Office, Library, community centres, Surestart Children’s Centre, Sports Centre, various shops, eateries, pubs and services.

3.3 Watton Westfield Infant and Nursery School is located on West Road, within walking distance of the appeal site. Wayland Junior Academy on Brandon Road, and Wayland Academy on Merton Road, are also easily accessible from the appeal site.

3.4 The appeal site is well located to take advantage of existing bus stops located on the B1108 Brandon Road (within circa 300 metres of the site - approximately a four minute walk). Half hourly services are available to Norwich, together with hourly services to King’s Lynn, Dereham and Thetford (see Table 3.1 of the submitted Transport Statement for further detail – CD F6). There are further bus stops located on the B1108 Watton High Street opposite and adjacent to The Crown Hotel.

3.5 The population of Watton was 7,202 according to the 2011 Census (http://neighbourhood.statistics.gov.uk). During the last 10 years the population has increased by 5.6%. What has been evident is that household composition has altered as the population has matured. There is already a high median age of population in the town at 47 years. The number of over 60s in Watton has increased by 18.1% in the last decade, whilst those under 19 decreased by 9% in the same period.

3.6 Breckland’s population increased by 21.8% between 1991 and 2011 (Census data). It is expected to increase by a further 17.9% by 2037 (2012-based Sub-National Population Projections for England). This mirrors the projections for England as a whole, with the percentage of the population aged 65 and over projected to increase by between one fifth
and one quarter in all regions by mid-2022 as life expectancy rates increase generally.

3.7 This will have implications for household composition as more single person homes are required.

3.8 The Council’s recently published Draft Breckland Housing and Homelessness Strategy 2017-21 states that:

‘Our evidence suggests that Breckland is a district where the market for new housing is strong; a total of 491 new homes were delivered over 2014/15, and house prices have risen by 12% between 2011 and 2015, suggesting that demand for new housing continues to outstrip supply. Our evidence also suggests that demand is such for new homes that there is capacity within the market to ‘absorb’ a greater number of homes than which are presently being delivered. However, in order to continue to meet projected future need, the rate of house building across Breckland needs to continue to grow.’

THE APPEAL SITE

3.9 The application lies adjacent to the southern settlement boundary of Watton. It is surrounded on three sides by the existing built up area. See Site Location Plan at CD F16.

3.10 The site extends to 8.44 hectares and is located to the south of Mallard Road. Mallard Road originates from the roundabout linking it with Brandon Road and Swaffham Road, and it serves a residential estate comprising Woodpecker Drive, Tern Close, Curlew Close, Goldfinch Way and Plover Road.

3.11 The site comprises three enclosed fields bounded by mature and semi-mature hedgerow. The land is not currently in active agricultural production and comprises mainly grassland. It is mown once per year, and while it is privately owned land with no access rights, there is evidence of trespass in the guise of informal paths.

3.12 At Appendix 3 I attach an Agricultural Land Assessment to inform the Inspector. This confirms that the site is split roughly between Grade 2 and Grade 3a agricultural land. This is BMV land, which is characteristic of much of Breckland. At CD D38 the East Region Agricultural Land Classification Map (Natural England) indicates that much of the western part of Breckland is either Grade 4 (‘poor’) or ‘other land primarily in non-agricultural use’, whereas the eastern part (which includes Watton) is largely Grade 3 (good to moderate) with pockets of Grade 2 (very good).
3.13 It is obvious that, if Breckland’s housing requirement is to be met in the future, then the loss of some BMV land is inevitable. For example, two out of the four Watton sites allocated for development in the Site Specific Proposals Policies & Proposals Plan (January 2012) comprised agricultural land, and the more recent Preferred Site Options and Settlement Boundaries document (October 2016) identified alternative sites that (if allocated) would involve the loss of BMV agricultural land. I also note that this has not been raised as an issue of concern on recent appeals, and that this application was not refused on such grounds.

3.14 The southern site boundary opens out on to arable fields. The fields are enclosed by tree belts.

3.15 The Council’s Landscape Character Assessment Settlement Fringe Study (2007) [CD D29], indicates that the landscape to the south of Watton (WA2: Watton Airfield Plateau) has a low sensitivity to change due to its lack of sensitive features; the condition / quality of the landscape; and the often harsh transition between the settlement edge and the rural landscape. I will leave detailed consideration of landscape impacts to the evidence of Mr. Taylor, but I feel it is worth highlighting the following comments made about this part of Watton in the Fringe Study:

‘… there are some views to the stark residential edge of Watton

This is a poorly integrated edge with often harsh abrupt boundaries between the settlement and the rural landscape. In this respect it is not sensitive and there is an opportunity for a more creative approach to form a softer edge through field boundary and small copse planting which would be in keeping with the character of this plateau landscape.

Views to the settlement edge: At close range there are open views to a very abrupt urban edge. In areas of new development, this may be because further outward expansion is expected and therefore appropriate landscape treatments have not been implemented.

Overall Sensitivity Judgment:

It is considered that some new development could provide a catalyst for enhancement of the settlement edge and sense of place of Watton.
The extent of new development means that this edge of Watton does not have a strong vernacular character. Within Watton, generally, traditional building materials include rendered clay lump, brick and some flint which should be reflected in any new development.’

3.16 The site is sustainably located within walking and cycling distance of the town centre, where there is a comprehensive range of services and facilities. This is set out in some detail in the evidence of Mr. Davies and confirmed at §2.6 of the Committee Report:

‘Watton is identified in the Council’s Spatial Strategy as a mid-sized market town which provides a range of services and facilities to meet the day-to-day needs of residents. The town centre, local schools and other community facilities, together with local employment areas, would all be within easy walking and cycling distance of the development. There are also bus stops nearby and regular services to Norwich, Kings Lynn, Dereham and Thetford. In these terms, the application site is considered to be a sustainable location for new development.’

3.17 The site is not located in a protected landscape area e.g. Green Belt, National Park or AONB. Neither is it located within a wildlife sensitive area (SSSI, SAC, SPA). However, around half of the site falls with the 1,500 metre stone curlew buffer zone defined for the purposes of Core Strategy Policy CP10. The closest part of the Breckland Farmland SSSI, (which forms part of the Breckland SPA), is around 1,320 metres away. Wayland Wood SSSI is located approximately 1.2 km away. The site’s position against the SPA (including the extent of the buffer zone) is shown on Figure 2 at the end of the Ecological Assessment that supported the planning application.

3.18 The site – being surrounded on three sides by the built up area - is an obvious infill development opportunity and is unsuitable for stone curlew breeding habitat (as set out in the Atmos Ecological Assessments and in the evidence of Dr. Kirby and the supplementary ecology note by Mrs. Bell appended to my proof).

3.19 With regard to other species, although there are no ponds present within the site, there is a pond nearby, which raises the possibility of Great Crested Newts being present. Appropriate mitigation and enhancement in the form of a new pond to be located in the north east corner of the appeal site has been incorporated within the Masterplan.
3.20 The Masterplan layout has been designed to incorporate all significant trees and hedgerows and will help to ensure that existing wildlife corridors are preserved. No significant tree loss is required in order to facilitate the development.

3.21 A Desk Based Archaeological Assessment has been undertaken which concludes that the site has low potential for as yet undiscovered archaeological assets and any finds would be of only local importance.

The Proposal

3.22 The application promotes up to 177 dwellings in the indicative mix below.

<table>
<thead>
<tr>
<th></th>
<th>Market Housing</th>
<th>Affordable Housing</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 bed apartment</td>
<td>37</td>
<td>25</td>
</tr>
<tr>
<td>2/3 bed semi-detached</td>
<td>39</td>
<td>35</td>
</tr>
<tr>
<td>3 bed detached</td>
<td>20</td>
<td>10</td>
</tr>
<tr>
<td>4 bed detached</td>
<td>7</td>
<td></td>
</tr>
<tr>
<td>5 bed detached</td>
<td>4</td>
<td></td>
</tr>
<tr>
<td>TOTAL</td>
<td>107</td>
<td>70</td>
</tr>
</tbody>
</table>

3.23 The average gross density of the site will equate to circa 21 dwellings per hectare (dph). This reflects the density of neighbouring residential properties and the rural fringe setting. It also responds to the Council's *Landscape Character Assessment Settlement Fringe Study (2007)* that explains that:

‘At close range there are open views to a very abrupt urban edge. In areas of new development, this may be because further outward expansion is expected and therefore appropriate landscape treatments have not been implemented ... It is considered that some new development could provide a catalyst for enhancement of the settlement edge and sense of place of Watton.

3.24 The Masterplan [CD G7] shows lower density areas filtering towards the southern boundary of the site where it borders onto neighbouring farmland. Towards the centre of
the site, densities are higher. Precise details, including mitigation planting and the style of boundary treatments, will obviously be subject to approval at reserved matters stage.

3.25 The Design and Access Statement explains that the development will generally comprise two storey buildings with a small element of three storey buildings located towards the more central areas of the site. Again, this reflects the scale of existing development within this part of Watton.

3.26 40% will be affordable housing in accordance with the policy requirement.

3.27 On site open space will be provided in accordance with Local Plan Policy DC11. This equates to a requirement for approximately 0.81 ha of publically accessible space based upon the indicative dwelling mix set out above. The Masterplan in fact shows 1 ha of publically accessible space, well in excess of the policy requirement. A LEAP (Local Equipped Area for Play) is also proposed as required by the policy for this scale of development. This is not marked specifically on the illustrative masterplan, but has always been a commitment and is accepted by the Appellant, and the details of this can readily be secured by condition.

3.28 Vehicular access to the site will be a looped arrangement via Mallard Road and Woodpecker Drive. These are good standard single carriageways, approximately 6m in width and benefitting from footways approximately 2m wide running either side of the carriageway up to the roundabout linking with Brandon Road and Swaffham Road. They are subject to 20mph speed limits and have traffic calming speed humps at regular intervals and street lighting. There is also an emergency access with lockable bollards, directly linking Woodpecker Drive and Brandon Road, which is within the control of NCC as Highway Authority.
4.0 **COMPLIANCE WITH THE ADOPTED AND EMERGING DEVELOPMENT PLAN**

4.1 For the purposes of this appeal, the Development Plan for Breckland comprises:

- Breckland Core Strategy and Development Control Policies (2009) [CD D1]
- Site Specific Policies and Proposals DPD (January 2012) [CD D3]

4.2 Four policies remain saved from the 1999 Adopted Local Plan, but those relate specifically to the settlements of Attleborough, Snetterton and Thetford. These are not relevant to this appeal scheme.

4.3 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that: “if regard is to be had to the Development Plan for the purpose of any determination to be made under the Planning Acts, the determination must be made in accordance with the Plan unless material considerations indicate otherwise”. This is reflected in the National Planning Policy Framework (NPPF) at paragraph 11.

4.4 I deal first with the two relevant documents of the adopted Development Plan, and comment on the weight that ought to be attached to those. After that, I then consider the emerging Local Plan and the weight that should be attributed to that.

**Adopted Breckland Core Strategy & Development Control Policies (December 2009)**

4.5 The adopted *Core Strategy and Development Control Policies Local Plan* sets out the vision for development across Breckland up to 2026.

4.6 As its adoption pre-dates the publication of the NPPF, its policies must be reviewed for consistency with that. The Framework explains (at paragraph 215) that the closer the policies are to those in the NPPF, the greater the weight that can be attached to them.

4.7 Paragraph 1.3 of the Core Strategy confirms that it is intended to meet the specific requirements of the now revoked Regional Spatial Strategy (RSS) for the East of England to 2021, including the need to deliver 15,200 homes and at least 6,000 jobs between 2001 and 2021. Paragraph 1.11 of RSS (CD D40) confirms that one of the key drivers for the region was:
‘Concentrating growth at the key centres for development and change, which include all the region’s main urban areas.’

4.8 The RSS had regard to the Growth Areas identified in the Sustainable Communities Plan 2003, the three largest of which included substantial areas within the East of England, none of which covered Breckland:

- Thames Gateway, a regeneration area of national importance which includes part of South Essex (Essex Thames Gateway);
- Milton Keynes – South Midlands, which includes Luton and Bedfordshire; and
- London-Stansted-Cambridge.

4.9 **RSS Policy SS2: Overall Spatial Strategy** confirmed that the spatial strategy was to direct most strategically significant growth to the region’s major urban areas and to encourage Local Development Documents to develop policies which were to adopt an approach to the location of major development which prioritises the re-use of previously developed land in and around urban areas to the fullest extent possible.

4.10 **RSS Policy SS3: Key Centres for Development and Change** stated that new development should be concentrated at 21 key centres, of which only one (Thetford) was located in Breckland.

4.11 **RSS Policy H1: Regional Housing Provision 2001 to 2021** set out the dwelling provision for different authority areas, including Breckland. It set the annualised requirement to be at least 760 dpa net over its plan period 2001 to 2021. This requirement was staged as 692 dpa (3,460 homes) for the period 2001-06 and 780 dpa (11,740 homes) for the period 2006-21. As part of ensuring a 15-year timeframe to the Core Strategy on adoption, the 780 dpa figure was extrapolated as an annualised target for the period 2021 to 2026, beyond the RS plan period.

4.12 The constraint on the former RS housing requirement is set out within the preamble to Policy H1, which states (with my emphasis):

‘5.3 The annual average of at least 26,830 net additional dwellings a year from 2006, together with its distribution across the region, is a significant step towards a more adequate rate of housing provision to meet the needs of the region’s growing and ageing population and slow down the
deterioration in affordability, which has made it increasingly difficult for large sections of the community to buy a home. It is, however, a partial step: provision is less than forecast household growth and than the National Housing and Planning Advisory Unit suggests is needed to avoid further deterioration in affordability. Hence the emphasis on treating the housing targets as minima’

4.13 That context of constraint against which the Breckland Core Strategy was adopted was materially different to the NPPF and its specific encouragement to boost significantly housing supply and to sustain rural communities.

4.14 I discuss the more recent Site Specific Policies and Proposals DPD (January 2012) later, but at this point I note that it too was based on the same RSS spatial strategy as reflected in the Core Strategy. This is confirmed at paragraph 1.1 of the Site Specific Policies and Proposals DPD:

‘The adopted Breckland LDF Core Strategy (2009) includes a Spatial vision for the future of Breckland and objectives and targets, which developments must meet to secure that vision. The Site Specifics Policies and Proposals Development Plan Document has been prepared in accordance with this Core Strategy.’

4.15 The Breckland Core Strategy sets out the following spatial settlement strategy for the District:

- Key Centres for Development and Change;
- Market Town for substantial Growth - Attleborough;
- Market Towns - Dereham, Swaffham and Watton;
- Local Service Centre Villages;
- Rural Settlements.

4.16 Market Towns under Policy SS1 of the Core Strategy are defined as containing 'a good range of services for residents' day-to-day needs’. The policy suggests that Watton, along with Swaffham, has limited capacity for expansion in its centre 'due to the constraints of their
The appeal site is in close proximity to the town centre but is unaffected by these heritage constraints.

4.17 CS Policy SS1 sets a requirement for development of up to 900 homes in Watton within the plan period to 2021, but Policy CP1 gives the strategic requirement for the town as 995 homes. However, because the housing requirement in the adopted Plan was based on the revoked Regional Spatial Strategy and the spatial priorities set out, it cannot be considered to be an objectively assessed need (OAN). As I explain above, RSS was very much focused on concentrating growth by directing development at the key centres for development and change, of which Watton was not identified. The housing allocation in the current development plan is therefore a constrained figure.

4.18 Court of Appeal decision 2013 EWHC Civ 1610 ‘Hunston’ (CD B2) considered the matter of the relationship of the revoked Regional Strategy housing target to the NPPF, specifically the East of England Plan. Though the case involved the borough of St Albans, the relevant point is at paragraph 26 which states;

‘I appreciate that the inspector here was indeed using the figure from the revoked East of England Plan merely as a proxy, but the government has expressly moved away from a “top-down” approach ...’

4.19 The point was emphasised in related judgment 2013 EWHC 2678 Admin (CD B3) which stated at paragraph 10;

‘The figures set by the EEP [East of England Plan] were minimum figures because, as was acknowledged by Paragraph 5.5 of the supporting text to Policy H1, the total of minimum figures for the region “... falls significantly short of what is needed based on evidence about housing pressure, affordability and household projections.” The housing target fixed pursuant to the EEP was a figure that took account of various constraints to development that did not and did not purport to identify an objective need requirement.’

4.20 A thorough review of relevant policies is contained in the Planning Statement submitted in support of the application [CD F3], but in the interests of comprehensiveness I consider the relevant policies and the extent of compliance below.
Consideration of CS Policies cited in the RfRs

4.21 First, I will consider those policies that the Council asserts have been breached in the RfRs. It is evident that the Council considers that the appeal scheme complies with all Core Strategy policies aside from just four: Policies CP11, CP10, CP14 and DC1 (as these are all referred to in the reasons for refusal).

Policy CP11 (Protection and Enhancement of the Landscape)

4.22 Policy CP11 states that the landscape of the District will be protected 'for the sake of its own intrinsic beauty', its benefit to rural character, and in the interests of biodiversity, geodiversity and historic conservation. It explains that the release of land in Breckland will have regard to the findings of the Council's Landscape Character Assessment (LCA) [CD D28] and Settlement Fringe Landscape Assessment [CD D29] to ensure that land is released in areas where the impact on the landscape is at a minimum. It explains that the Council expects all development within the District to be of the highest design quality in terms of both architecture and landscape; that it should have regard to good practice in urban design and fully consider the context within which it sits; and that it should embrace opportunities to enhance the character and appearance of an area and contribute to creating a sense of local distinctiveness.

4.23 I have noted the landscape-related comments of Inspector Gray in allowing housing appeal reference APP/F2605/W/15/313812 on land off Thetford Road, Watton in April 2016. This is Site 32 on the plan I attach at my Appendix 1, and the Inspector will note its close proximity to the appeal site and its location in the same Landscape Character area. At §12 the Inspector wrote:

“The landscape character of the wider area is not, however, of a quality to warrant protection from any landscape designation. Nor can it be said to be a "valued landscape" in the terms of the NPPF (paragraph 109). The Breckland District Settlement Fringe Landscape Assessment (SFLA) describes its quality as no more than moderate ...’

4.24 Mr. Taylor deals specifically with impacts on townscape and landscape in his evidence (having regard to the Council's Landscape Character Assessment and Settlement Fringe Landscape Assessment). I would reiterate that the appeal site does not fall within an area
designated for its landscape value, and I agree with the manner in which this was presented in the Committee Report, namely that (with my emphasis):

“The Council’s Landscape Character Assessment Settlement Fringe Study, (2007), indicates that the landscape to the south of Watton, (WA2: Watton Airfield Plateau), has a low sensitivity to change due to its lack of sensitive features, the condition / quality of the landscape and the often harsh transition between the settlement edge and the rural landscape.

The proposed development would extend the built up area of the town southwards and the appearance of the site would change from farmland to a built up housing area. However, the scheme would be largely contained visually by adjacent built development and existing boundary hedging /trees. From the open countryside to the south, the proposal would be seen against the backdrop of adjacent housing, and views would be heavily filtered by intervening vegetation. Consequently, the proposal would not appear as a noticeable intrusion into the open countryside.’

4.25 Paragraph 3.3 of the Committee Report continues by making the obvious point that building houses on open fields will change the appearance of the site, but balances that by noting that the impact:

‘... would be localised and could be mitigated to an extent by sensitive development layout proposals with appropriate separation distances and landscaped areas. The proposed development would also be consistent with the predominantly residential character of the surrounding area.’

4.26 Again, I concur with that assessment, and as such – having regard to the evidence of Mr. Taylor – I consider there to be no conflict with CS Policy CP11.

Policy CP10 (Natural Environment)

4.27 The second policy cited in the reasons for refusal is CP10 (Natural Environment). This contains a few facets, the overall aim being to enhance the biodiversity and geodiversity of the district. This includes maintaining ecological open spaces and networks, and minimising the fragmentation of habitats. Under the heading ‘Protection of Species’, it is explained that the Council has defined a buffer zone that extends 1,500m from the edge of those parts of the SPA that support or are capable of supporting stone curlews. It is clear that the purpose of this buffer zone is not to prevent all development, because the policy confirms that:
‘Permission may be granted for development provided it is demonstrated by an appropriate assessment the development will not adversely affect the integrity of the SPA.’

4.28 So, when it is demonstrated that development will not adversely affect the integrity of the SPA, it can be acceptable. Thus the key policy test is: will the appeal proposal adversely affect the integrity of the SPA?

4.29 Dr. Kirby deals with impacts on stone curlews in his evidence, backed up by the broader note by ATMOS on ecology attached at Appendix 2 of my evidence. An Appropriate Assessment was of course submitted with the application, which was ultimately endorsed by not only the Council’s officers and their ecological consultant, but also by Natural England, who raised no objection.

4.30 In considering the weight to be attached to the endorsement of Natural England, the case of R (Morge) v Hampshire County Council3 [CD B4] (heard on 19 January 2011) is relevant. In that case, the Supreme Court heard an appeal concerning a judicial review of a local planning authority’s decision to grant planning permission for a busway development. The ultimately unsuccessful appellant was concerned by the impact of the development on several species of European protected bats which inhabited the relevant area. The Court confirmed that Natural England (the Government’s adviser on nature conservation) is the body primarily responsible for policing the relevant directive provision, and that, if Natural England had expressed itself satisfied that a proposed development complied with the directive, the decision maker was entitled to presume that was so.

4.31 I appreciate that the RSPB has continued to object to the proposal, but the joint findings of ATMOS (at application stage – again endorsed by the both the Council’s ecological consultant and Natural England) combined with the evidence of Dr. Kirby set out an informed and compelling case, such that I consider that it has been demonstrated by the appropriate assessment that the development will not adversely affect the integrity of the SPA. As such, I consider that there is no conflict with CS Policy CP10.

3 [2011] UKSC 2
Policy CP14 (Sustainable Rural Communities)

4.32 Turning to CS Policy CP14, this too is cited in the reasons for refusal. I am not convinced about the relevance of this policy, because it is focused on “rural communities” and “Local Service Centre villages”. Such settlements are clearly distinguished in Policy SS1 (Spatial Strategy). Watton is designated as neither. It is designated as a Market Town. Had it been the intention to apply policy CP14 to Market Towns that would and should have been made explicit by the policy wording. I do not consider Policy CP14 applies to the settlement of Watton. Indeed, the first sentence of the policy’s explanatory text draws the following distinction (with my emphasis):

‘Breckland has many small villages distributed throughout the District. Unlike the market towns, the character of these villages can be significantly affected by relatively minor development' (para 3.101).

4.33 In saying that, the more recent Site Specific Policies and Proposals Document (2012) explains that:

4.2 The Core Strategy and Development Control Policies Development Plan Document confirm that Settlement Boundaries remain a valid policy response in Breckland to achieve the twin objectives of focusing the majority of development towards existing settlements whilst simultaneously protecting the surrounding countryside. Policy CP14 of the adopted Core Strategy sets out the strategic planning approach for sustainable rural communities in Breckland. This approach proposes that Settlement Boundaries will be defined for rural communities where there are key local services; food shop, post office, pub, doctor’s surgery, primary school, and good public transport links or local employment opportunities. Policy CP14 commits Breckland to review Settlement Boundaries in the Site Specific Policies and Proposals Document. Policy CP14 also requires amendments in the review to result in logical and defensible Settlement Boundaries.

4.3 Therefore, the settlement boundaries as identified on the Proposal Maps have been prepared in accordance with the Core Strategy and spatially define where particular policies will be applied.’

4.34 I remain unconvinced that Policy CP14 applies to the appeal scheme, and I note that, in two recent allowed appeal judgments in respects of housing sites falling just outside Watton’s
settlement area [CD C2 and C3], neither Inspector made any reference to Policy CP14. For example, the erection of houses on land west of Saham Road, Watton. In allowing that appeal (ref: APP/F2605/W/15/3140922), the Inspector made no mention of CP14 and the application had not been refused with reference to it, even though that site sat outside the Watton settlement boundary in the same way as this appeal site (see Site 8 on the plan I attach at Appendix 1). At paragraph 9 the Inspector wrote:

‘The Council’s objection to the appeal scheme is based on CS Policy CP 11 which seeks to protect and enhance the landscape of the District. There are a number of other CS policies of relevance, including those relating to amenity, affordable housing, open space, flood risk and design. The Council does not argue that the proposal would conflict with any of these policies and I see no reason to take a different view.’

4.35 By way of further example, application reference 3PL/2014/1253/O (Thetford Road, Watton) (see Site 32 on the Map at Appendix 1 of my evidence) was refused by the Council, but policy CP14 was not cited in any of the five reasons for refusal. That proposed 180 homes on land very close to the appeal site on the southern edge of Watton, beyond the settlement boundary. Again, in allowing that appeal (ref: APP/F2605/W/15/3137812) (180 dwellings), the Inspector did not refer to policy CP14 as being of relevance.

4.36 In view of the above, I am not at all clear why the Council is suggesting the policy is relevant to this appeal.

4.37 Notwithstanding that, it would seem that the LPA does consider the policy to be applicable because they refer to it in the reason for refusal. In the event that the Inspector agrees with the LPA, then the thrust of the policy is to make rural / village communities more sustainable, including the provision that land should only be released outside the settlement boundary when there are no sites available within the boundary. The Committee report comments (at §2.3) as below on the policy:

‘In relation to settlement boundaries, the objectives of Policy CP14 include focusing development in sustainable location [sic] with access to key services and protecting the form and character of settlements. These objectives are consistent with the NPPF’s key aims and so Policy CP14 can be afforded weight in accordance with paragraph 215.’
4.38 Watton is clearly a sustainable settlement. It is identified as such in the development plan, and has been recognised as such by recent Inspectors. The creation of 177 new homes will assist in sustaining the settlement. Albeit outside the defined settlement limit, the proposed development will adjoin the main built up area of the town and will be adjacent to established housing, bounded on three sides by existing development. The proposal will be closely related to the built form of the town and would not result in an isolated development in the countryside. It will not conflict with local policies which seek to avoid intrusive development in rural landscapes and promote good design. The professional officers of the LPA agree with all of the above, because it says so at §2.5 of the Committee Report that recommended approval of the application.

4.39 So, while I continue question the relevance of CS Policy CP14 (because I do not believe it is intended to relate to Market Towns such as Watton), I see no conflict with the objectives of the policy.

*Policy DC01 (Protection of Amenity)*

4.40 The fourth and final local policy cited in the reasons for refused is *Policy DC01*. This is addressed as below in the Committee Report:

‘... the proposal would alter the open outlook from neighbouring properties to the north. However, there is nothing to suggest that the development, if appropriately designed and laid out, would have an overbearing effect on adjacent dwellings or cause undue overlooking or overshadowing. Proposed apartment buildings are shown to be located away from existing dwellings in order to lessen their impact.

Additional traffic movements would result in some additional disturbance to existing residents on the approach roads to the site, particularly those at the end of existing cul-de-sacs. However, given the likely volume, speed and distribution of such traffic, it is not considered that such disturbance would cause significant harm nor exceed that which might reasonably be expected within a built up area.

On this basis, it is considered that the proposal would not result in unacceptable effects on the amenities of local residents. *Consequently the proposal would not conflict with Core Strategy Policy DC01 or with the guidance set out in paragraph 17 of the NPPF.*’
4.41 Policy DC01 is referred to in two instances in the first reason for refusal. First, it is stated that DC01 requires consideration to be given to the impact of development on the quality of the surrounding landscape or townscape. And later, it is suggested that DC01 is breached because the proposal would transform the site appearance, result in loss of openness, and detract from the rural setting of the town and the visual amenities.

4.42 The policy confirms that consideration of amenity will focus on the following matters:

a. Overlooking and/or privacy loss.
b. Dominance or overshadowing.
c. Odour, noise, vibration or other forms of disturbance.
d. Other forms of pollution (including contaminated land, light pollution or the emission of particulates).
e. Important features or characteristics of the area; or.
f. Quality of the landscape or townscape.

4.43 Considering the wording in the first reason for refusal, the Council is not suggesting that there is any tension with criteria (a) to (d) inclusive.

4.44 The focus of the RfR is on criteria (e) and (f). Mr. Taylor has considered such impacts in his evidence. There is no conflict with this policy, because important site features will be retained (trees and hedges) and supplemented by new planting. Inspectors, in allowing recent appeals, have suggested that they do not consider the landscape to be of great or notable value, and it is not designated as such. That is recognised in the Council’s own landscape assessment. The appeal site is surrounded by built development / the settlement boundary on three out of four sides, and is to my mind an obvious logical flex location.

4.45 It is also important to read the site in the context of other site allocations and developments that have been approved (by application and appeal) over recent years. The plan I attach at Appendix 1 (with the accompanying table) is intended to assist the Inspector in considering Watton as an overall settlement and how it is growing and set to grow as the result of planning approvals. The same plan shows that some zones on the edge of Watton are clearly not fit for development, such as the expanse of high flood zone that skirts its north western flank. If the settlement is to evolve, then sites outside such constrained areas and on the edge of the settlement will need to be considered. The appeal site is an obvious contender in those terms.
As such, I do not consider that there is any conflict with CS Policy DC01, or indeed with any of the other three CS policies cited in the reasons for refusal.

Compliance with CS Policies not cited in the RfRs

I now turn to consider other relevant Core Strategy policies that the Council does not consider to be breached (i.e. none of these are cited in the reasons for refusal).

As I have already explained, *Policy SS1 (Spatial Strategy)* identifies Thetford as the ‘key centre for growth’, and beneath that in the hierarchy are the four market towns of Attleborough (identified for substantial growth), Watton, Dereham and Swaffham. The policy explains that Swaffham and Watton are mid-sized market towns that provide a good range of services for their residents’ day-to-day needs, but suggests that they have limited capacity for expansion in their centre’s due to the constraints of their heritage buildings and Conservation Areas. It is explained that Watton will deliver up to 900 houses over the Plan period, but I have already highlighted that that was based on a constrained figure set out in the now revoked RSS.

Paragraph 2.36 states that examination of the baseline evidence of CS had identified that the large majority of key services and facilities, employment opportunities and public transport facilities are centred on the market towns and larger villages of the District. It continues in stating that when this evidence was considered against the key issues for the District:

‘it is clear that, if more sustainable patterns of living are to be promoted, then the large majority of development in the District must be focused on the market towns and larger villages.’

The Council does not consider there to be any inconsistency between the appeal scheme and this policy, and nor do I. The Core Strategy was adopted 6.5 years ago on an evidence base prior to that. Since then the RSS - upon whose constrained housing figure the Core Strategy was based - has been revoked, and the NPPF has been published. The latter puts in place a pro-growth agenda, whereas RSS set a constrained agenda. The Site Specific Proposals and Policies Plan carried forward the Core Strategy, and it too pre-dates the NPPF. Even so, it explains at paragraph 2.69 that, in Watton:
'There are a small number of sites within the established built up area of Watton which may become available for development in future years, but none of sufficient size to accommodate the number of dwellings required. To meet the Core Strategy requirement for new housing it will therefore be necessary to identify new greenfield sites for development.'

4.51 Notwithstanding that, the purpose of CS SS1 is to put in place a clear settlement hierarchy. Watton is placed towards the top (albeit not the very top) of that and is recognised as a sustainable settlement. That said, if there is not a 5 year supply in place and therefore a need to provide more housing (which is our case), then I consider the appeal scheme is consistent with Policy SS1.

4.52 CS Policy CP 1 (Housing) makes provision for at least 19,100 homes and associated infrastructure in the District within the period 2001-2026. 995 homes were allocated to Watton at the time. Again, I see no inconsistency with the policy. 19,100 homes were the very least that could be delivered in the Borough, and again the Core Strategy was based on a now revoked ‘constrained’ RSS that did not reflect the ambitions and requirements set out in the NPPF.

4.53 CS Policy CP 4 (Infrastructure) states that the release of land for development will be dependent on there being sufficient capacity in the existing local infrastructure to meet the additional requirements arising from new development. It tells us that suitable arrangements will be put in place to improve infrastructure, services and community facilities to mitigate the impact of development, and that new development will be required to demonstrate that it will not harm the District’s ability to improve the educational attainment, accessibility to services and jobs and health and well-being.

4.54 The application was not refused on the basis of this policy, reflecting the fact that Watton is a sustainable settlement. The application was supported by a comprehensive Utility Report [CD Fi8] that demonstrates that the development is viable in relation to the provision of electricity, gas, potable water, foul sewerage and telecommunications. The costs associated with the provision of these services is set out in the table under paragraph 9.1 of that report, and no objections or concerns have been raised by any statutory undertakers. I therefore agree with the Council that the appeal scheme accords with Policy CP4.
4.55 It is interesting to read how Inspector Gray covered the topic of infrastructure in allowing appeal ref APP/F2605/W/15/3137812 for 180 dwellings on 20\textsuperscript{th} April 2016 (Site ref: 32 on the plan I attach at Appendix 1):

‘26. Many thought that the infrastructure in Watton would be unable to cope. Anglian Water has a duty to deal with foul sewage, through improvements to the system if necessary; the broad principle is that the situation should be no worse than before the development was constructed, not that development should resolve any existing problems. The highway authority considers that the existing road network can accommodate the traffic generated by this proposal, along with that from other committed developments; it also considers the proposed roundabout a benefit, in that it would slow traffic on the A1075. Watton is a market town considered capable of accommodating a substantial amount of new housing development; if anything, that development could bring an improvement to the High Street because of the greater population. The statement from Watton Medical Practice says that, in 2012, there were eight GPs for 12,000 patients but now there are only four doctors – which raises the question of whether it is reduction in the number of GPs that is causing a problem rather than an increasing number of patients.

27. It was also said that Watton does not have the facilities one would expect to find in a town of this size; that it is not a town you come to work in but one you leave to go to work. Whatever employment opportunities may or may not exist in Watton, it is defined in the adopted Development Plan as a market town able to accommodate 995 new dwellings over the plan period from 2001 to 2026. It should also be remembered that the proposed development would be built out at a rate of perhaps 30 dwellings a year (unless demand prompted more); it would thus be up to eight years (including time to sell the site to a housebuilder and to discharge conditions), perhaps more, before the proposed 180 dwellings would be completed.’

4.56 \textit{Policy CP 5 (Developer Obligations)} takes forward Policy CP4 by requiring all development to be accompanied by appropriate infrastructure to meet site specific requirements and create sustainable communities. It states that the infrastructure will be provided in tandem with the development, and where appropriate arrangements will be made for its subsequent maintenance.

4.57 Again, the application was not refused on the basis of this policy and no statutory undertakers have objected. The developer will of course have to fund any infrastructure connections and such matters can be dealt with by conditions and other statutory
arrangements, as is common for all developments. I therefore conclude that the scheme complies with policy CP5.

4.58 **Policy CP 6 (Green Infrastructure)** states that all new development will be expected to contribute towards the provision of additional green infrastructure and the protection and enhancement of the district’s existing green infrastructure. Development should seek to provide physical/functional linkages between different elements of green infrastructure, and introduce an appropriate multi-functional use of spaces and linkages.

4.59 The application was submitted in outline, based on an illustrative layout. The finer details of how the scheme responds to and connects with the adjacent town, and the precise locations and extent of green infrastructure, open spaces and ecological mitigation will be resolved at reserved matters stage. The illustrative layout shows structural landscaped zones, tree and hedgerow retention, three areas of public open space, a pond, and hedgerow enhancement along the southern edge to respond positively to comments expressed in the *Landscape Character Assessment Settlement Fringe Study (2007)* concerning “the often harsh transition between the settlement edge and the rural landscape” to the south of Watton.

4.60 Furthermore, as is recognised in the Committee Report, the extent of open space shown on the illustrative masterplan is considerably in excess of that required by policy, and the Council has requested a financial contribution of towards the provision of open space. I have requested the LPA to confirm the details of this on numerous of occasions, but at the point of finalising my evidence they had provided no details.

4.61 I therefore consider that there is no conflict with Policy CP6.

4.62 **CS Policy CP 8 (Natural Resources)** states that all development must be consistent with the principles of the proper management of natural resources, and that, whilst mechanisms are in place to ensure that the development needs of the District are met, development should nevertheless avoid the unnecessary loss of high-grade agricultural land *which is a finite resource and is important to the rurality of Breckland.* It states that the delivery of this objective will be enhanced through the maximisation of the re-use of previously developed land. This policy is inconsistent with NPPF that does not maintain the policy priority of the maximisation of PDL. In terms of land quality NPPF paragraph 112 states:
‘Local planning authorities should take into account the economic and other benefits of the best and most versatile agricultural land. Where significant development of agricultural land is demonstrated to be necessary, local planning authorities should seek to use areas of poorer quality land in preference to that of a higher quality.’

4.63 Paragraph 3.15 of the Core Strategy that

‘The East of England Plan sets the target of 60% of new development to be on Previously Developed Land (PDL). In a rural District like Breckland, with high housing need, it is unlikely that the 60% target can be achieved. The District has therefore set a more realistic and achievable target of 25%.’

4.64 The options to build on PDL must also be considered against the availability of PDL in Watton. The 2012 Site Specific Policies and Proposals Plan allocated four sites in Watton. Of those, three were greenfield sites, and two of those comprised agricultural land. All four sites are now the subject of approvals, so it is a given that, if there is to be any more housing in Watton to enable the settlement to grow and evolve, that will almost inevitably involve the loss of agricultural land.

4.65 The same policy states that all new development will be located in such a way as to minimise its own risk of flooding and new development should not materially increase the flood risk to other areas or increase the risk of flooding.

4.66 The appeal site is in Flood Zone 1. It was accompanied by a detailed FRA and Drainage Strategy, and no objections or concerns were raised by any statutory authorities on the topic. I have noted the comments raised by the MP and others as third parties to the appeal, and I trust that the paper attached at Appendix 4 of my evidence is helpful in responding to those points. I see nothing to suggest that the appeal scheme is anything but compliant with Policy CP8.

4.67 CS Policy CP 13 (Accessibility) states that new growth in Breckland will be delivered to promote accessibility improvements. This principle is promoted through the balanced distribution of housing and employment, and states that, within the Market Towns (such as Watton), cycleway and pathway networks will be developed to improve choice of travel and to ensure safe access to developments on foot and by bicycle. It requires all new development to be integrated within existing or proposed transport infrastructure to
further ensure choice of transportation method and enhance the potential accessibility benefits derived from the growth.

4.68 The appeal scheme complies with this policy. Watton is recognised as a sustainable and accessible settlement, with a good range of shops and services within walking and cycling distance of the appeal site. While the scheme is only illustrative at this outline stage it shows logical and convenient connections through to the established housing to the north, along both Woodpecker Drive and Mallard Road, towards the town centre and public transport services beyond.

4.69 Chapter 4 sets out the Development Control policies. *Policy DC 2 (Principles of New Housing)* confirms that, within the settlement boundaries as defined on the proposals map, new housing development will be permitted. The policy is silent on the topic of new housing development outside the settlement boundaries.

4.70 It states that, to deliver the Core Policy relating to housing mix and density, the Council will apply certain principles. Part (a) suggests that proposals for high density developments (above 40 dwellings per hectare) will be encouraged at appropriate locations, but part (b) states that, in rural locations and at the edges of settlements where it can be demonstrated that there is a combination of local character (including environmental features) and limited accessibility factors, proposals for lower density development will be permitted (22-30 dwellings per hectare).

4.71 In the case of the appeal scheme, the overall density will be 21 dph, reflecting its rural fringe location and the intent to feather out the development towards the rural edge and maintain a sense of openness and vistas through the development, and to create a green and softer interface with the rural area beyond in response to the harsh relationship that currently exists around Watton (as recognised in the Council’s own landscape assessments). I agree with the manner in which this was presented in paragraphs 3.5 and 3.6 of the Committee Report and that there is no conflict with this part of policy DC2:

*The overall density proposed of 21 DPH would not be high and the indicative layout proposed is considered to be well-conceived with well defined streets and a series of integrated open spaces. These open spaces would also provide good opportunities to enhance connections with other greenspaces in the locality. Whilst the two and three storey dwellings proposed would be of a*
different scale to existing housing immediately to the north, which is made up predominantly of bungalows, there is a mixture of dwelling forms and styles in the wider locality. In this context it is considered that the proposal would not appear out of place.

It is considered therefore that the proposal would be compatible with the established pattern and character of surrounding development and would be a logical addition to the existing built up area, effectively rounding off this part of the town.'

4.72 Part (c) of the policy states that all residential proposals will secure an appropriate mix of dwelling size, type and tenure in order to meet the needs of Breckland’s citizens and create sustainable communities. It suggests that the precise mix will be based on the findings of the latest Strategic Housing Market Assessment, an analysis of the local housing mix and the need to deliver lifetime homes.

4.73 The appeal scheme proposes a good range of housing, ranging from 1 bedroom apartments through to 5 bedroom detached homes. The mix stated on the illustrative Masterplan confirms that 35% of all units (market and affordable) will be 1 bedroom. It is suggested that 50% of the affordable units and 35% of the market accommodation will be 2 bedrooms. Beyond that there will be a mix of 3, 4 and 5 bedroom houses. These smaller units will cater for a recognised and growing need to such accommodation. The mix is deemed to be appropriate by the Council and is designed to not only respond to the SHMA, but to present as mixed and balanced a range of property to maximise its contribution to the sustainability of the community. I therefore see no conflict with policy DC2.

4.74 **Policy DC 4 (Affordable Housing Principles)** states that, to meet the District’s housing needs, the Council will apply the following principles: 40% of the total number of housing units will be provided and maintained as affordable housing within all new residential development; the affordable housing will be provided as built units on site; the mix, size, type and tenure of affordable homes will meet the identified housing need of Breckland as established by Housing Needs Surveys and Assessments; the affordable housing shall comprise of a mix of social rented accommodation and intermediate housing consistent with the Strategic Housing Market Assessment; the affordable housing is integrated into residential layouts so as to provide for a distribution of affordable housing within the development site that will enhance community cohesion; and developers must enter into
planning obligations in order to provide the affordable housing and to ensure its availability to initial and successive occupiers.

4.75 In all respects, the appeal scheme complies with this policy. It provides for 40% provision of a mix and type requested by the Council and as incorporated into other schemes approved in Watton (including schemes recently allowed by Inspectors).

4.76 In this regard, I highlight elsewhere the poor delivery of affordable housing in Breckland over recent years. The average level of provision since the Core Strategy was adopted 7 years ago has been considerably below the 40% threshold.

4.77 I would also point the Inspector to the recently published Draft Breckland Housing and Homelessness Strategy 2017-21 [CD D42]. This states that:

‘Certain groups are more likely to experience affordability issues that others. Our evidence from the SHMA tells us that certain groups across Breckland are more likely to struggle to meet their housing needs without assistance in the form of housing benefit and/or affordable housing. Specifically, this includes all single person households (especially those under 25 years of age), couples under the age of 35 with one child, and 86% of lone parent households aged between 25 and 34. This evidence needs to feed into our strategic response to new housing development, fuel poverty and homelessness.

There is evidence of a district-wide need for a range of types of affordable homes to be delivered over the next 20 years. However, there is a notable and immediate shortage of smaller homes to rent in the affordable sector across Breckland. This is driven by an affordable rented housing stock that is heavily weighted towards three bed homes, along with the impact of welfare reform measures such as the removal of the spare bedroom subsidy. The lack of supply of smaller accommodation for rent has an impact upon the ability of the council to discharge duties owed to homeless families and individuals with complex needs, and also the ability of the council to support vulnerable individuals leaving supported accommodation with help in moving towards independent living.’

4.78 By providing the proposed 62 x 1 bedroom properties, the appeal scheme will assist in catering for the need for more small units suitable for those identified above.
4.79 **CS Policy DC 11 (Open Space)** states that all new residential development is expected to provide a contribution towards outdoor playing space equivalent to 2.4 hectares per 1,000 population. For developments of 25 dwellings or more, open space should be provided on site, with priority given to children’s play space. The policy states that the 2.4 hectares per 1,000 population standard equates to 24 sqm of outdoor playing space per person, broken down to 16 sqm of outdoor sport area and 8 sqm of children’s play space. It states that outdoor playing space will be required on sites of 80 dwellings and above, with a minimum of 1 Local Equipped Area for Play (LEAP). In addition to the on-site and off-site contributions, a contribution will be required for 10 years maintenance of the facility.

4.80 The extent of open space shown on the illustrative masterplan exceeds the policy requirement by some margin, and while it does not specify a LEAP, there is plenty of space available to incorporate this, and I confirm that this is a commitment of the Appellant. I can also confirm that, if the Inspector considers it important and necessary, the Appellant will accept a condition that requires the ultimate form of development to come forward broadly in accordance with the illustrative masterplan. The effect of that would be to ‘fix’ the broad zones and extent of open space and the retained / enhanced zones of trees, hedgerow and other structural landscaping (including the pond).

4.81 **CS Policy DC 12 (Trees and Landscape)** states that any development that would result in the loss of, or the deterioration in the quality of an important natural feature(s), including protected trees and hedgerows will not normally be permitted, and that appropriate landscaping schemes to mitigate against the landscape impact of and complement the design of new development will be required.

4.82 While the application is in outline, most of the trees are located around the periphery and can readily be retained. The Inspector will note that the illustrative scheme has been sensitively formulated to retain existing hedgerow. It also indicates where planting will be enhanced. I do not therefore see any conflict with policy DC12.

4.83 **CS Policy DC 13 (Flood Risk)** states that new development should be located in areas at least risk of flooding. New development will be expected to minimise flood risk to people, property and places.
4.84 The appeal site is located within Zone 1 and is not at risk of flooding. The application was supported by a FRA and Drainage Strategy and no objections have been made by associated statutory undertakers. The application was not refused on the basis of policy DC13 and I agree with the manner this was recorded at paragraph 7.1 of the Committee Report:

‘The application site falls within Flood Zone 1 and is therefore at low risk of flooding. In order to ensure that the proposal would not give to an increased risk of flooding elsewhere a SUDS system is proposed, the detail of which would be subject to later approval under a planning condition. The proposed system would limit surface water flows to less than the existing greenfield runoff rate. On this basis, the Environment Agency raises no objection to the application. Foul drainage would be via the mains system. Anglian Water raises no objection to the application subject to conditions, including a requirement to submit proposals for improvements to the existing sewerage network.’

4.85 **Policy DC 16 (Design)** states that all new development should achieve the highest standards of design. In assessing development, consideration will be given to a number of design principles. These include the preservation and enhancement of local character - consideration of reinforcing locally distinctive patterns of development, landscape and culture and complimenting. The policy encourages contemporary design where it enhances sustainability. In consideration of Public Realm, the policy notes that the continuity of street frontages is particularly important in the market town centres, and all new development should provide a natural demarcation of public and private spaces, without the need for excessive or artificial barriers. Public spaces should be designed to ensure that access routes are attractive, maintainable, well lit and well surveyed, easily accessible to all members of the community and free from unnecessary screens, barriers, signage or other street paraphernalia. In short, there is no basis for concluding that any Reserved Matters application would be incapable of properly addressing the issues raised by the design policies.

4.86 I will not repeat all of the other design principles, but these include Connectivity, Adaptability; Diversity; Crime Prevention; Form and Character; Density, Height, Massing and Scale; Layout, Siting and Grouping; Landscaping, Boundary Treatments and Enclosure; Building Detailing and Materials.
4.87 While the quality of the illustrative masterplan was acknowledged in the Committee Report and is clearly a thoughtful response to the site and its context, all of the above design principles call for detailed consideration at reserved matters stage, and only then can the proposal be properly assessed against policy DC16. But at outline stage, I see no conflict with that policy.

4.88 In overall terms, therefore, I contend that the appeal scheme is compliant with all relevant Core Strategy policies.

**Site Specific Proposals Policies & Proposals Plan (January 2012)**

4.89 The Site Specific Policies and Proposals Plan forms the second and more recent strand of the development plan. This re-confirms that the site is located immediately adjacent to, but just outside the settlement boundary for Watton.

4.90 At paragraph 1.1 it is confirmed that:

> ‘The Site Specifics Policies and Proposals Development Plan Document has been prepared in accordance with the Core Strategy.’

4.91 As I noted earlier, the Core Strategy (and in turn the Site Specifics Policies and the settlement boundaries it confirms) are based upon the revoked RSS, a key driver of which was:

> ‘Concentrating growth at the key centres for development and change, which include all the region’s main urban areas’

4.92 The housing target for Breckland was a constrained figure, and the allocations in the Site Specific Policies and Proposals Plan reflect that. And like the Core Strategy, the Specific Policies and Proposals Plan was adopted before the NPPF, so it is hardly surprising that it does not fully reflect the pro-growth stance and support for rural communities that it enshrines.

4.93 Furthermore, explanatory paragraphs 4.1 – 4.3 confirm that the settlement boundaries
being used today are the same as those established in the 1999 Local Plan, and that some of
those are in fact carried over from the Norfolk Structure Plan (and as such are now around
30 years old).

4.94 Map 2.3 (on page 30 of the Site Specific Policies and Proposals Plan) identifies four land
allocations in Watton (refs: W1, W2, W3 and W4). These are shown on the plan and
schedule at Appendix 1 of my evidence, which summarises the planning status of these and
other sites in and around the town. It will be seen that all four of Watton’s site allocations
are now subject to approval (in the case of W2, a resolution to grant subject to finalising the
S106):

- **Site W1**: Planning permission granted for the erection of 110 dwellings with associated
  open space [ref: 3PL/2013/0510/F] granted on 28/05/14
- **Site W2**: Permission for residential development for 80 dwellings with associated
  servicing and infrastructure [ref: 3PL/2014/1378/F] recommended for approval at
  Planning Committee in May 2016 (awaiting finalisation of S106)
- **Site W3**: Permission for demolition of existing premises and erection of 22 residential
  units together with ancillary works [ref: 3PL/2008/1042/F] granted on 03/10/08.
- **Site W4**: Planning permission granted for the demolition of 21 Swaffham Road &
  associated outbuildings & erection of 23 dwellings & garages [ref: 3PL/2015/1322/F]
  granted on 4/11/16. A re-submission was submitted on 21/12/16 [ref: 3PL/2016/1539/F] to
  seek approval of a revision to the private housing mix & affordable housing
  contribution. A Viability Analysis has been submitted with this application to support
  these alterations for reduced affordable housing.

4.95 **Policy SB.1** establishes the settlement boundaries of all defined settlements (including
Watton) as identified on the Proposal Map (CD D2). The policy then confirms that
decisions on the type and scale of development within and outside of settlement
boundaries will be based on the policies contained within the adopted Breckland Core
Strategy Development and Control Policies DPD.

4.96 In explaining the relationship between the Site Specific Policies and Proposals Plan 2012 and
the Core Strategy 2009, §1.8 explains that:
‘The mid-sized market towns of Swaffham and Watton will experience lower levels of growth. Swaffham will provide approximately 600 houses and 300 - 650 new jobs over the remainder of the plan period. Watton will provide 350-500 new houses and 250 new jobs over the same period.’

Paragraph 2.69 explains the allocations for Watton thus:

‘There are a small number of sites within the established built up area of Watton which may become available for development in future years, but none of sufficient size to accommodate the number of dwellings required. To meet the Core Strategy requirement for new housing it will therefore be necessary to identify new greenfield sites for development.’

Paragraph 2.70 notes the constraints to development around the edges of the town:

‘The north-west of the town and parts of the south-west are at risk from fluvial flooding. There are large areas of flood zone 3a which cover a number of promoted sites. There have been a number of historic sewer flooding events in and around the town centre. Development to the east of the town could exacerbate these issues unless suitable sewer infrastructure is delivered and appropriate measures are introduced to limit foul water entering the sewers.’

The application was not refused on the basis of the Site Specific Policies and Proposals Plan and no reference was made to it in the Committee Report. Nor do I see any obvious conflict. Policy SB.1 simply identifies settlement boundaries and states that applications will be based on the policies contained within the adopted Breckland Core Strategy Development and Control Policies DPD.

Weight to be Attached to the Development Plan

Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that planning applications and appeals must be determined “in accordance with the plan unless material considerations indicate otherwise”.

An important material consideration is the extent to which the policies in question are current and reliable. If they are out of date, then the weight to be attached to them ought to be diminished. The case of Suffolk Coastal v. Secretary of State for Communities and Local
Government (C1/2015/0894) [CD B5] clarifies this. It confirms that the words “relevant policies for the supply of housing” in NPPF §49 should be applied to all policies which have the effect of restricting residential development. The Supreme Court has recently upheld the judgment [CD B6].

4.102 NPPF paragraph 215 is also important. That confirms that due weight should be given to relevant policies in existing plans according to their degree of consistency with the Framework. The closer the policies in the plan to the policies in the Framework, the greater the weight that may be given. In that regard, I would remind the Inspector that both of the adopted development documents on which the Council has based its decision (including the settlement boundaries those contain) were adopted prior to publication of NPPF, and were based upon a policy of constraint established by the now revoked RSS.

4.103 I discuss the NPPF in the next section of my evidence, but at this point I am mindful that the usual trigger for NPPF paragraph 14 (and its presumption in favour of sustainable development) does not apply in this case. Paragraph 119 states that:

‘The presumption in favour of sustainable development (paragraph 14) does not apply where development requiring appropriate assessment under the Birds or Habitats Directives is being considered, planned or determined.’

4.104 Having said that, that does not mean that the outdatedness of policies is not relevant or is incapable of being treated as a material consideration. Nor does it suggest that the sustainability of proposals cannot be considered as an important material consideration in the overall planning balance.

4.105 In considering the currency of the policies referred to in the reasons for refusal, I suggest that they are out of date and should be afforded reduce weight for various reasons.

4.106 First, through the work of Mr. Purser, it is the Appellant’s case that the Council cannot demonstrate a robust 5 year supply of housing land. Mr. Purser suggests that the level of supply is 3.6 years.

4.107 The settlement boundary policies are inarguably policies for the supply of housing land. So too is CS Policy CP11 (Protection and Enhancement of the Landscape) which states that the
landscape of the District will be protected for the sake of its own intrinsic beauty’. So too is CS CP10 (Natural Environment), whose overall goal is to enhance the biodiversity and geodiversity of the district by restricting development. These policies are relied on in the reasons for refusal. They are both policies that have the effect of restricting the supply of housing land and should therefore carry little weight, as NPPF paragraph 49 renders them ‘out-of-date’.

4.108 The NPPF requires councils to ‘boost significantly’ their housing supply. Both parts of the adopted development plan were adopted before NPPF was published, and as such both parts fail to adequately deal with that important requirement. One of the core principles identified at NPPF paragraph 17 is to:

‘proactively drive and support sustainable economic development to deliver the homes, business and industrial units, infrastructure and thriving local places that the country needs. Every effort should be made objectively to identify and then meet the housing, business and other development needs of an area’

4.109 Furthermore, paragraph 55 states that ‘to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities’.

4.110 Again, neither development plan document has full and proper regard to these important policies of the NPPF, as both were adopted before it was published.

4.111 Policy CP11 was prepared against a national policy background which included PPs7 that sought to safeguard countryside for its own sake. The current policy position is set out in Paragraph 17 of NPPF. It differs in that it requires that the planning system should:

“... recognise the intrinsic character and beauty of the countryside.” Decision letters?

4.112 While the words ‘intrinsic beauty’ reflect the NPPF, the policy also reflects the wording of PPS7. The fourth key principle of the (now withdrawn) PPS7: Sustainable Development in Rural Areas (published in 2004) stated that:

“the Government’s overall aim is to protect the countryside for the sake of its intrinsic character and beauty” (emphasis added).
There is a distinction between ‘recognising’ intrinsic character and beauty, and protecting land “for its own sake”. If it were intended that the policy protecting the countryside “for its own sake” was to be continued, NPPF would be expressed as such. NPPF requires decisions to be based on qualitative and informed judgments rather than “blanket” designations.

Support for this position is drawn from the Tewkesbury appeal decision (Land adjacent to Cornerways, High St, Twyning, Tewkesbury (APP/G1630/W/14/3001706) [CD C8]). In this decision, Inspector Drew considered the weight that can be given to a landscape policy of the Tewkesbury Borough Local Plan (i.e. Policy LND4), adopted pre-Framework in 2006, the provisions of which are analogous with Policy CP11. In this decision, Inspector Drew sets out [§11] the implications of Framework §215 (i.e. that due weight should be given to existing plan policies according to their degree of consistency with the Framework) and identifies what the fifth core planning principle at Framework §17 states (which refers to ‘protecting’ Green Belts, but ‘recognising the intrinsic character and beauty of the countryside’). He comments [§11] that:

“... Recognising, in its context, requires the decision maker to identify and respond correctly to the identified attributes of the countryside. Protect is a stronger verb”

Inspector Drew clearly finds that a policy requiring the rural landscape to be protected for its own sake is inconsistent with the Framework, which diminishes the weight that it can be given. He states [§12]:

“In the circumstances the test in LP Policy LND14, which is the need to give particular attention to protect the character and appearance of the rural landscape, is not only out-of-date, but also inconsistent with the policy of the Framework. This reduces the weight that it is appropriate to attach to LP policy LND4” (emphasis added)

He concluded [§17] that the landscape policy can only be given limited weight, given its inconsistency with the Framework.

In the context of the foregoing, the position of the Appellant is that CS Policy CP11 can only be given limited weight for the purposes of development management. This means that the weight that can be given to any conflict with this policy in the planning balance diminishes.

Paragraph 109 of NPPF protects “valued” landscape. “Valued” landscapes can only be those that are capable of being identified on an objective and rational basis in order that they are protected, having regard to the value identified. Not every landscape can be valued. This
is clear from paragraph 113 of NPPF that requires distinctions to be made in a hierarchy of designated sites and protection afforded:

“commensurate with their status and gives appropriate weight to their importance.”

4.119 I note how Inspector Gleeson addressed this in allowing appeal ref: APP/F2605/W/16/3143092 (Land at Attleborough Road, Great Ellingham, Breckland) for 39 dwellings in September 2016:

‘I recognise that the landscape has value for local people. However I regard it as open agricultural land of no special value and therefore I would not accept it as being a valued landscape in the terms of paragraph 109 of the Framework which requires the protection and enhancement of valued landscapes. As Mr Self identified, a valued landscape should comprise matters above the ordinary. On this basis I find no conflict with paragraph 109.’ [para 13]

4.120 So, having regard to the above, the appeal site is not an objectively assessed landscape of substantive value. It holds no special designation, status or character. If it did, it would have been recognised / designated as such in the development plan. That does not of course suggest that the site has no landscape value whatsoever, but simply that it is far from special, unique or particularly sensitive.

4.121 For these reasons, I suggest that only limited weight can be ascribed to the associated development plan policies that relate to settlement boundaries, linked as they are to the matter of housing land supply and the basis of PPS7 in protecting the countryside ‘for its own sake.’ This is clearly not a ‘valued landscape’ in NPPF terms, as Inspector Gray confirmed in allowing housing appeal reference APP/F2605/W/15/313812 in April 2016. He stated:

‘The landscape character of the wider area is not, however, of a quality to warrant protection from any landscape designation. Nor can it be said to be a “valued landscape.”

4.122 Finally, the policies set out in both of the adopted development documents referred to above are out of date by virtue of the emerging Local Plan documentation. As I explain further below, the latest available information produced by the Council to inform the new Local Plan is its Preferred Site Options and Settlement Boundaries (September 2016). This document allocates 400 homes to Watton, and makes it clear that the appeal site has been
factored into those allocations. The figure of 400 is not expressed as a cap or ceiling. It explains that, in the event that this appeal is dismissed, then alternative sites will need to be found and allocated to make up that allowance. I suggest that the promotion of land (and in particular the appeal site) for housing beyond the current settlement boundary of Watton is the clearest possible evidence that the settlement boundaries established by the two adopted development plan documents are out of date.

4.123 I do find it perplexing that officers recommended approval of the appeal scheme, but members then rejected it, and yet shortly after that officers have continued to bring forward the site for housing in the emerging plan, which has in turn been ratified by members.

4.124 So, for all of the above reasons, I consider that the policies relied upon by the Council are out of date and cannot be attributed full weight. They are not fully consistent with the NPPF. Both strands of the development plan were adopted before it was published. In stating this I return to the advice set out in paragraphs 214 and 215 of the NPPF, namely that:

‘214. For 12 months from the day of publication, decision-takers may continue to give full weight to relevant policies adopted since 200439 even if there is a limited degree of conflict with this Framework.

215. In other cases and following this 12-month period, due weight should be given to relevant policies in existing plans 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).’

4.125 That 12 month period has long expired and I have explained why key policies being relied upon by the Council are not consistent with the Framework, and should accordingly carry substantially reduced weight.

**EMERGING LOCAL PLAN**

4.126 Having considered the adopted development plan, I now consider the emerging Local Plan.

4.127 The Council consulted upon *Issues and Options* [CD D6] for its emerging Local Plan in 2014. This was the first Post-NPPF document produced by LPA that was attempting to reflect
NPPF. While this cannot be afforded full weight, it is nevertheless a document that carries weight because (unlike the adopted development plan) it reflects the Framework.

4.128 The document set out a number of scenarios for growth for two possible plan periods 2011 – 2031 and 2011-2036. Each of the growth scenarios results in the need to find additional housing sites in Breckland in order to deliver the necessary housing growth.

4.129 Since then, the Council published its Preferred Options (CD D4 and D5) in December 2015, with consultation running between 11th January and 22nd February 2016. That states that, in the light of the guiding principles of the NPPF and the consultation responses received, a more proportionate and balanced approach to development outside Thetford and Attleborough is a preferred option that provides flexibility to deliver the Objectively Assessed Needs and seek to address the specific requirements of Breckland. It is suggested that this growth option will cater for additional growth outside the urban extensions of Thetford and Attleborough, balancing the available growth between urban and rural areas. It would allow for proportionate development in more, but not necessarily all Local Service Centre villages, plus a greater level of development in the three higher order and sustainable Market Towns of Dereham, Swaffham and Watton.

4.130 This is reflected in Preferred Policy Direction - PD 03 'Locational Strategy', which states that most new development will be met through the proposed sustainable settlement hierarchy.

4.131 It is of note, when considering the adopted 40% affordable housing requirement, that Preferred Policy Direction - PD 08 ‘Affordable Housing’ suggests that 36% of qualifying developments should be affordable housing.

4.132 More recently, the Council consulted (between 19th September and 31st October 2016) (CD D36 & 37) on its Preferred Site Options and Settlement Boundaries document. This discusses the development hierarchy, preferred sites and the approach to rural areas (including alterations to settlement boundaries). I consider below the relevance of the appeal scheme to the latest version of Preferred Options.

4.133 Paragraph 2.5 of the document explains that that the majority of development is to be targeted at the larger settlements in the district, as below:

- Key Settlements - 50%
• Market Towns (of which Watton is one) - 30%
• Local Service Centres -15%
• Rural Areas - 5%

4.134 Table 2.14 of the document sets out proposed "New Allocations" for the different settlements. The “New Allocation” for Watton is 400 homes, although paragraph 2.18 confirms that these are already accounted for by extant planning permissions. So, in effect, the 400 “New Allocation” is not in fact an ‘allocation’ per se, because consents are already in place for these.

4.135 The one exception is the appeal site, which (as I explain below) has been included as an Allocation (subject to the determination of this appeal) as forming part of those 400 homes.

4.136 Figure 7.1 (reproduced in part below for convenience) identifies various committed sites around Watton, and includes the appeal site under reference LP[104]016.
4.139 Paragraphs 7.7 and 7.8 are worth highlighting, as below:

‘Furthermore, there is a site for 177 dwellings to the west of the town on land off Mallard Road (3PL/2015/0254/O) currently the subject of a planning appeal. Should this planning appeal be granted permission, this would mean that the housing target for the town has been met.

It is considered appropriate to await the outcome of the planning appeal and assess the implications on site selection at that stage i.e. if it isn’t allowed we would need to look at the site again compared to the alternatives to identify the site(s) for allocation.’

4.140 This tells us that, even if the Inspector dismisses this appeal, the LPA will still consider the appeal site and will assess it against other sites. That suggests to me that the Council does in fact consider the appeal site to be a good and sustainable option. Had it not, it would no doubt have assessed the merits of the appeal site against the four ‘Alternative Sites’ shown on the same plan, and confirmed that one or more of those sites would be a preferable option to the appeal site in the event that the appeal is dismissed.

4.141 Paragraph 7.7 confirms that, if this appeal is allowed, it would not have the result of exceeding the accepted housing allowance / need for Watton, as the homes for the appeal scheme have already been factored into that draft allocation. Conversely, if the appeal is dismissed, then land sufficient to accommodate 177 homes will then need to be identified elsewhere on the edge of the town.

4.142 Bearing in mind the reasons for refusal, it is interesting to note one of the Council’s suggested Alternative Options (ref: LP[104]017 – see location on plan extract above). That site is relevant in considering this appeal for two reasons. First, it is very close to the appeal site on the southern edge of Watton, and within the same Landscape Character area. As such, one might expect the impacts on landscape and townscape to be broadly comparable to those of the appeal site, although (unlike the appeal site) the Alternative Option is more exposed to the rural area (on three of its four sides).

4.143 It is also interesting that the document acknowledges that the south-western edge of that Alternative Option site is located within the same 1500m buffer of the Breckland Special Protection Area as is part of the appeal site.
4.144 I do not see any conflict with this emerging policy baseline document. It tells us that Watton requires more homes to accommodate its needs, and it includes the appeal site and scheme within those figures. And it promotes a site close by as an Alternative Option in the event that the appeal is dismissed, which falls within the same Landscape area and will have largely the same impacts as the appeal scheme (arguably more because it is more exposed). It is also partly located in the SPA Buffer Zone. So, if the Council is genuinely concerned about the landscape / townscape impacts of the appeal scheme, it would not be presenting Site LP910d107 as an Alternative Option in the event that the appeal is dismissed.

4.145 Considering the weight to be attached to the emerging Local Plan, I would suggest that, while Preferred Site Options and Settlement Boundaries 2016 cannot be afforded full weight, a degree of weight should be attached. I say that because the document is the most up to date expression of the Council’s policy direction in the post-NPPF era. It recognises that Watton needs more housing and it has factored in the appeal site and scheme into its allocation for the town (subject to the determination of the appeal). In those terms, it must carry some weight in the overall planning balance.

**Overall Compliance with the Development Plan**

4.146 In overall terms, I have explained that I disagree with the Council’s determination that the four adopted development plan policies cited in the reasons for refusal are breached. I do not consider there is any inconsistency, and indeed I am not convinced that one of those cited policies is even relevant.

4.147 I do, however, agree with the Council that the appeal scheme is consistent with every other development plan policy, including the emerging Local Plan documentation summarised above.

4.148 It is therefore my analysis that there is no conflict with the development plan, and what is more, other material considerations lend further weight to approval.
5.0 Compliance with the NPPF

5.1 The NPPF is an important material consideration in the determination of this appeal:

The National Planning Policy Framework constitutes guidance for local planning authorities and decision-takers both in drawing up plans and as a material consideration in determining applications.’ [NPPF paragraph 13]

5.2 The Framework is pro-growth and seeks to boost significantly housing supply, with the promotion of sustainable forms of development at its heart. It also looks to sustain rural communities, and Watton as a market town clearly caters for the needs of the surrounding rural community.

5.3 The Government’s recent (February 2017) White Paper ‘Fixing Our Broken Housing Market’ [CD A10] reinforces the need to boost significantly housing. Whilst the policy formulation within the White Paper can carry limited weight as it is subject to consultation, it is my view that some weight can be given to the underlying factual analysis and conclusions of the Government that is driving the formulation of policy. It is very clear that there is and remains a need for many more houses to be built. The Prime Minister states that:

‘Our broken housing market is one of the greatest barriers to progress in Britain today. Whether buying or renting, the fact is that housing is increasingly unaffordable – particularly for ordinary working class people who are struggling to get by.

I want to fix this broken market so that housing is more affordable and people have the security they need to plan for the future.

The starting point is to build more homes. This will slow the rise in housing costs so that more ordinary working families can afford to buy a home and it will also bring the cost of renting down.

We need to build many more houses, of the type people want to live in, in the places they want to live. To do so requires a comprehensive approach that tackles failure at every point in the system.’

5.4 A central tenet of planning policy (at all levels – including paras 14, 15 & 17 of the NPPF) is the promotion of sustainable forms of development. I consider that this scheme falls squarely in line with this.
5.5 Paragraph 14 sets out the presumption in favour of sustainable development. However, paragraph 119 states that that presumption does not apply where (as in this case) development requiring appropriate assessment under the Birds or Habitats Directives is being considered, planned or determined.

5.6 Nevertheless, the delivery of sustainable forms of development remains highly relevant and desirable as a material consideration. I would suggest that it carries great weight, especially where (as in this case) the Appropriate Assessment demonstrates that there will be no harm resulting.

**NPPF Paragraphs 109 and 118**

5.7 I start with consideration of paragraphs 109 and 118, because these are the only two parts of NPPF cited in the reasons for refusal.

5.8 Paragraph 109 states that the planning system should contribute to and enhance the natural and local environment. This includes consideration of “valued landscapes”, geological conservation interests and soils; ecosystem services; the minimisation of impacts on biodiversity and providing net gains in biodiversity where possible; preventing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of soil, air, water or noise pollution or land instability; and remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate.

5.9 I note that paragraph 109 is only referred to in the second reason for refusal, which relates specifically to ecology. It is not cited in the first reason for refusal that relates to consideration of “valued landscapes”.

5.10 I commented on landscape and townscape impacts in my earlier assessment of compliance with development plan policies. I agree with the Council’s planning officers in their analysis of those issues that has also been addressed in the evidence of Mr. Taylor.

5.11 In respect of the references to ecosystems in §109, I refer to the views expressed by Dr. Kirby in his evidence, and to the overview ecology comments set out by ATMOS in the report I attach at Appendix 2. I would also draw attention to the fact that Natural England does not object. I agree with the following statement contained in the Committee Report:
‘Whilst the RSPB’s concerns are noted, it is considered that the views of Natural England as the government’s advisor on ecology should be given greater weight. This approach is consistent with that taken by the appeal inspector in relation to housing development proposed close to the SPA at Weeting, (appeal ref APP/F2605/A/12/2172205).’

5.12 At paragraph 36 of that appeal decision (CD C1), the Inspector stated:

‘Natural England is the Secretary of State’s scientific adviser on the subject of biodiversity. Its evidence should only be rejected where there is clear objective evidence which contradicts it.’

5.13 Turning to the second NPPF paragraph cited in the reasons for refusal, Paragraph 118 seeks to conserve and enhance biodiversity by applying six principles. The first two principles relate to schemes where significant / adverse harm applies. In this case, the Appellant contends (primarily in the evidence of Dr. Kirby and in the lack of any objection from Natural England) that there will be no such harm, and so there is no conflict with these two principles.

5.14 The third principle of §118 concerns development proposals where the primary objective is to conserve or enhance biodiversity. This is not applicable to the appeal scheme.

5.15 The fourth principle of §118 encourages opportunities to incorporate biodiversity in and around developments. In this regard, I see no conflict because, while the application is in outline, the illustrative masterplan shows substantial landscaping and open space, the finer details of which will be governed at Reserved Matters stage. Nearly every tree and hedgerow can be retained, and ecological mitigation measures are set out in the application details. The Appellant anticipates a condition to govern these details in the event that the appeal is allowed, and is also agreeable to a condition that requires the ultimate form of development to be broadly in line with the illustrative masterplan.

5.16 The fifth principle of §118 states that planning permission should be refused for development resulting in the loss or deterioration of irreplaceable habitats, including ancient woodland and the loss of aged or veteran trees found outside ancient woodland, unless the need for, and benefits of, the development in that location clearly outweigh the loss. I do not believe that this applies to the appeal site, as it does not contain any irreplaceable habitats, ancient woodland or veteran trees.
5.17 The sixth principle of §118 simply confirms that certain designations should be given the same status as European sites, but none of those apply to the appeal site.

5.18 In overall terms, I see no conflict at all with NPPF paragraph 118.

Compliance with Remainder of the NPPF

5.19 Turning to the remainder of NPPF, the reasons for refusal do not state or infer any inconsistency, and I agree with that.

5.20 Considering the evidence of Mr. Purser, the fact that the site falls just outside the adopted development plan’s defined settlement boundary must be considered out of date and given little weight in the context of paragraph 49 of the NPPF, which states that policies for the supply of housing ‘should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites.’

5.21 On the topic of building in the countryside, paragraph 17 of the NPPF sets out that planning should ‘take account of the different roles and character of different areas ... recognising the intrinsic character and beauty of the countryside and supporting thriving rural communities within it.’

5.22 Paragraph 115 attaches ‘great weight’ to landscapes of high status. There are of course no statutory or non-statutory landscape designations attached to the appeal site. The site will provide for a logical extension to the settlement boundary. It abuts the built up area / settlement boundary on three out of four sides, is located in an area with low sensitivity to change (as identified in the Council’s own landscape assessment), is well screened by existing hedges and trees, and will be further landscaped to enhance appearance and to soften the development.

IS THIS SUSTAINABLE DEVELOPMENT?

5.23 Notwithstanding that NPPF paragraph 14 does not apply in this case, it is nevertheless important to consider whether the proposal is sustainable. It is a central component of planning policy (at all levels) to promote sustainable forms of development, and I suggest that substantial weight ought to be attached to that.
The NPPF suggests that there are three core strands / roles relating to sustainable development: **economic, social and environmental**. The Framework is clear at paragraph 8 that the three roles of sustainability should not be undertaken in isolation, because they are mutually dependent.

The LPA – in reason for refusal 4 – acknowledges certain economic and social benefits, but draws the overall conclusion that the proposal is not sustainable. I disagree and set out my thoughts on each strand of sustainability below. I invite the Inspector to consider these together and in the round.

### Economic Benefits

In terms of the **economic** role, the proposal will assist in supporting sustainable economic growth, through the provision of quality homes, helping to *create the thriving places that the country needs*, and contributing to the evolution of Watton as a recognised sustainable settlement.

The building of up to 177 mixed houses will create construction jobs, generate substantial New Homes Bonus and Council Tax payments, and (through good design and layout at reserved matters stage) will result in quality new homes to assist in boosting supply.

The new homes will provide good quality accommodation not only for existing residents of Watton (including those in need of affordable housing), but also for workers and business leaders looking to locate and inward invest in this part of Breckland. The provision of good quality housing is central to investment decisions made by such persons and companies, so this application ought to be considered in that wider economic context.

The Confederation of British Industry (CBI), in its submission to the construction industrial strategy *Building Britain’s Future: An Industrial Strategy for Construction*, notes that “the construction sector is a key job creator and contributor to the UK economy employing over 2 million people” (Source: House of Commons Construction Industry Economic & Statistics Briefing Paper, August 2012).

In its pre-election report *Building New Homes for Growth*, the CBI set out three broad recommendations, namely that:
1. Millions of people in the UK are taking a big economic hit from our failure to build enough homes.

2. With the market set to creak under renewed pressure over the next decade, action must be taken now.

3. Delivering a sustainable housing market requires an ambitious and credible plan from government and business.

‘Housing is not just a social priority – it is a key business issue. We see the impact of too few homes being built not just on the front pages of our newspapers but in the experience of our families, friends and colleagues. Working people are being priced out of buying their first home and renters are not getting the quality they deserve for their money. Young people are living with their parents for longer because they cannot afford to get onto the housing ladder, and growing families are unable to buy the bigger homes they need.

It also has huge implications for our future economic competitiveness. Businesses need a flexible and mobile workforce, but the high cost of moving home, and lack of decent and affordable housing, are barriers to attracting and retaining employees. Furthermore, building new homes is a powerful source of growth, creating jobs across the country and supporting hundreds of thousands of businesses and their supply chains.’

5.31 On 7th July 2015, shortly after the last general election, the CBI’s Business Environment Director Rhian Kelly offered the following perspective on the recent Housing Bill:

‘The proposed Housing Bill in the Queen’s Speech sends a welcome signal that the government will make housing and planning a top priority over the coming parliament. With an urgent need to build 240,000 homes annually to meet demand, Britain requires a step-change in housing delivery. Only through leadership from all levels of government will we achieve this target, and it is encouraging to see that Westminster is ready and willing to take action.’

5.32 Overall, construction accounted for 6.7% of GDP in 2012. However, the effects of construction activity are certainly felt more widely than this figure suggests, with spending on construction estimated to create growth in the wider economy at a rate of £2.84 wider spend for every £1 spent on construction.
In the recent White Paper, the economic implications of not building enough houses is recognised on page 11:

‘Britain’s broken housing market hurts all of us. Sky-high property prices stop people moving to where the jobs are. That’s bad news for people who can’t find work, and bad news for successful companies that can’t attract the skilled workforce they need to grow, which is bad news for the whole economy.

Low levels of house building means less work for everyone involved in the construction industry – architects, builders, decorators and manufacturers of everything from bricks to kitchen sinks. If people must spend more and more to keep a roof over their head they’ll inevitably cut back elsewhere – meaning less money gets spent in the wider economy.’

For this project, an average of 180 FTE jobs are likely to be generated per annum over the course of an expected circa 5 year construction period. The scheme is estimated to cost around £30 million to deliver the housing element alone (based on the Appellant’s estimation that the average cost of construction the homes will be circa £175,000 per dwelling).

According to the 2011 Census, 8.5% of employed residents in Breckland local authority area aged 16 and over were employed in construction (Source: nomis official labour market statistics (Census 2011 - Updated 29 Nov 2013)). The scheme has the potential to draw upon local labour for the construction of the new homes. While many of these jobs will be located on the site itself, others will be based in the wider Breckland area, with some further afield within the construction supply chain. The jobs will vary in type, from elementary occupations (e.g. site labourers) to professional and higher skilled technical occupations (e.g. project managers and site surveyors).

Alongside its role in supporting employment creation, the construction industry is a good source of training and skills development, including apprenticeships. This is important at a time when young people face particular problems entering the workforce. In the Government’s recent (February 2017) White Paper ‘Fixing Our Broken Housing Market’, paragraph 2.32 states that:

‘The [construction] industry committed in 2016 to bring 45,000 new skilled workers into the sector by 2019/20. Some progress has been made but we now need industry to step up and increase the number of people trained on site, including through apprenticeships for workers of all ages.’
5.37 A conservative estimate is that the proposal will accommodate around 327 people. That is based upon an assumption of 1 person per 1 bedroom apartment (= 62) plus an average of 2.3 people for all other dwellings (2.3 x 115 = 265 rounded) [Breckland District average household size of 2.3 taken from the 2011 Census: Rooms, bedrooms and central heating, local authorities in England and Wales].

5.38 Each household would be expected to spend a significant proportion of their household income in Watton and in wider Breckland. ONS data sheet dated 08 February 2013 confirmed that the average total weekly expenditure of households in the UK is £470.70. On that basis, 177 households could spend up to £83,000 each week, or around £4.3 million on an annual basis (albeit I accept that 1 person households will probably spend less than the average household).

5.39 Even if the above figures were to be discounted by 50% to account for smaller and less affluent households, that is still a considerable amount of available expenditure, and much of this will inevitably be spent in local shops and on local services.

5.40 The household expenditure generated by these residents will therefore help to support economic activity locally, including businesses providing household goods and services, transport service providers and the leisure industry. This in turn will have positive knock on effects for employment in the local area, supporting the supply chain of firms benefitting from household expenditure, and consequently the spending of salaries of those employed as a result of spending by new residents.

5.41 The New Homes Bonus commenced in April 2011, and will match fund the additional council tax raised for new homes and properties brought back into use, with an additional amount for affordable homes. The income derived from 177 houses is a further economic benefit, as will be the Council Tax payable by residents of the homes, which I crudely calculate to be around £2.1 million over 10 years.

5.42 There has only been limited research into the local economic benefits of movement in the housing market generated by the sale of new homes, the fit out of those homes and resulting moves elsewhere in the local area. It is reasonable to assume that some expenditure in the local economy would be generated through the fees for estate agents, surveyors / conveyancing costs and other transaction fees. In addition, there would be benefits to the suppliers and fitters of fixtures and fittings for new homes.
According to Rightmove’s online ‘Moving Cost Calculator’, the average cost for the purchase of a house of £250,000 would be £5,000 (£2,500 Stamp Duty; £1,250 legal fees; and £1,250 other costs (which may include removal costs, domestic connections / disconnections, gas safety check, changing locks, payment of other miscellaneous fees and service charges etc).

Taking that as a proxy, the overall cost associated with 177 homes suggests that around £885,000 will be spent on such fees. That is just the cost of ‘first moves’ into the properties, and there will inevitably be continuous buying and selling and letting of homes beyond that (all of which generating fees for local estate agents, surveyors and solicitors).

With new homes requiring a range of furnishing and equipment, it is reasonable to anticipate that the Breckland / Norfolk area will see significant expenditure associated with the inflow of new residents and moves.


‘2. One of the most important things each generation can do for the next is to build high quality homes that will stand the test of time. But for decades in Britain we have under-built. By the time we came to power, house building rates had reached lows not seen in peace-time since the 1920s. The economic and social consequences of this failure have affected millions: costing jobs; forcing growing families to live in cramped conditions; leaving young people without much hope that they will ever own a home of their own.

3. These problems – entrenched over decades – have deepened over the past few years. The housing market is one of the biggest victims of the credit crunch: lenders won’t lend, so builders can’t build and buyers can’t buy. That lack of confidence is visible in derelict building sites and endless For Sale signs. It is doing huge damage to our economy and our society, so it is right for government to step in and take bold action to unblock the market.’

Laying the Foundations explained that getting house building moving again is crucial for economic growth – that housing has a direct impact on economic output, averaging 3 per cent of GDP in the last decade. It suggests that, for every new home built, up to two new jobs are created for a year (paragraph 11).
Thus this scheme will deliver considerable economic benefits to Watton / Breckland and its hinterland, and I note that Reason for Refusal 4 acknowledges this in principle.

Social Benefits

The social role of sustainability includes supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with accessible local services.

The recent White Paper [CD A10] recognises the social role of building homes:

‘Our broken housing market is one of the greatest barriers to progress in Britain today ... By building the homes Britain needs and giving those renting a fairer deal, we will give those growing up in society today more chance of enjoying the same opportunities as their parents and grandparents. It will ensure that the housing market is as fair for those who don’t own their own homes as it is for those that do. This is a vital part of our Plan for Britain and a critical step along the road towards fulfilling the mission I have set out to make Britain a country that works for everyone.’ (the Prime Minister’s Foreword).

The proposal will address the need for more housing in Breckland and boosting its supply. It will also deliver up to 71 much needed affordable homes in the face of growing need. I comment further on this below.

Affordable housing is a unique and special benefit of any housing proposal. I say that because, unlike most S106 demands made through the planning process, it caters for an existing social need that is not generated by the development itself. Regulation 122(2) of the CIL Regulations 2010 would generally require planning obligations to be:

(a) necessary to make the development acceptable in planning terms;
(b) directly related to the development; and
(c) fairly and reasonably related in scale and kind to the development.

Thus, when a development (such as this) gives rise to an impact on school places leading to need for more classrooms, or traffic leading to a requirement for traffic measures, or open
space / recreation requirements, a LPA will be justified in seeking an obligation to deal with those problems that arise as a consequence of the development.

5.54 Affordable housing is different. That is because it addresses a need that pre-exists the development and is not caused by or is otherwise related to the development. On the contrary, the delivery of more housing will increase the overall supply and would consequentially be expected to reduce the price of such, therefore improving affordability. Thus affordable housing is never directly related to the development itself. Nor can it be fairly and reasonably related in scale and kind to the development.

5.55 Thus the delivery of the affordable housing is an important planning gain. It is a benefit to which considerable weight should be given.

5.56 The Department for Communities and Local Government (CLG) considers a ratio of 3.5 to be the marker of an affordable housing market (source: Land Registry and the Annual Survey of Hours and Earnings, Office for National Statistics). That is, the ability to purchase a home is based on a mortgage 3.5 times gross income. The ratio of average house prices to average earnings in England and Wales as a whole (based on December 2013 data) is 6.3. In Norfolk that ratio is 6.7.

5.57 This would suggest that a greater supply of housing is required as house prices have been driven upwards by the lack of supply. “Market signals” such as this are included as one of the 12 core planning principles set out in paragraph 17 which include the need to ensure that:

“Plans should take account of market signals, such as land prices and housing affordability, and set out a clear strategy for allocating sufficient land which is suitable for development in their area, taking account of the needs of the residential and business communities.”

5.58 There is a need to redress this imbalance by offering a wider range of house types which are more affordable, thus encouraging young start up families to the area. If the cost of housing remains high, either younger families cannot enter the housing market or a higher percentage of their income is spent on mortgage or rental payments and household bills, leaving little disposable income to spend locally.

5.59 In this case, and having regard to the circumstances of Breckland in respect of the delivery of affordable housing (see below) this should be a matter that weighs heavily in the
planning balance and represents part of a clear justification for allowing the development to take place within a short timescale.

5.60 There is a demonstrable need for affordable housing in Breckland. The *Central Norfolk Strategic Housing Market Assessment 2015 (Report of Findings) (January 2016)* by Opinion Research Services (ORS) [CD D7 & D8] looks to establish the Objectively Assessed Need (OAN) for housing for the local authorities of Norwich City, Broadland, Breckland, North Norfolk and South Norfolk, plus the Broads Authority.

5.61 The SHMA identifies an Objectively Assessed Need for 70,483 dwellings over the 24-year period 2012-36 - an annual average of 2,937. If the full OAN for affordable housing is to be met, then it suggest that 26% of all housing must be affordable across Central Norfolk.

5.62 Figure 74 of the SHMA ‘Assessing affordability by household type and age’ is reproduced below for convenience. This shows that a considerable proportion of the population of Breckland cannot afford market housing. For example, 28% of couple families with dependent children aged 25 to 34 cannot afford housing.

<table>
<thead>
<tr>
<th>BRECKLAND: Percentage unable to afford market housing</th>
<th>Under 25</th>
<th>25-34</th>
<th>35-44</th>
<th>45-54</th>
<th>55-64</th>
<th>65+</th>
</tr>
</thead>
<tbody>
<tr>
<td>Single person household</td>
<td>33%</td>
<td>16%</td>
<td>25%</td>
<td>29%</td>
<td>26%</td>
<td>24%</td>
</tr>
<tr>
<td>Couple with no dependent children</td>
<td>11%</td>
<td>4%</td>
<td>8%</td>
<td>8%</td>
<td>8%</td>
<td>10%</td>
</tr>
<tr>
<td>Couple family with 1 or more dependent children</td>
<td>54%</td>
<td>28%</td>
<td>15%</td>
<td>12%</td>
<td>13%</td>
<td>31%</td>
</tr>
<tr>
<td>Lone parent family with 1 or more dependent children</td>
<td>93%</td>
<td>86%</td>
<td>61%</td>
<td>41%</td>
<td>43%</td>
<td>61%</td>
</tr>
<tr>
<td>Other household type</td>
<td>33%</td>
<td>30%</td>
<td>23%</td>
<td>17%</td>
<td>18%</td>
<td>11%</td>
</tr>
</tbody>
</table>

5.63 The SHMA suggests that, considering its housing mix analysis, affordable housing need represented 31.9% of the total, suggesting that there is a need to provide 19,900 additional affordable homes in Central Norfolk over the SHMA’s 24-year period (an average of 832 dwellings per year). This, it suggests, would provide for the current unmet needs for affordable housing in addition to the projected future growth in affordable housing need, but assumes that the level of housing benefit support provided to households living in the private rented sector remains constant.
5.64 The SHMA continues by stating that Central Norfolk would benefit from a higher level of affordable housing delivery if that was found to be viable, as that could reduce the number of households relying on housing benefit in the private rented sector. However, it confirms that:

‘Nevertheless, provided that 31.9% of housing was delivered to meet affordable housing need then this would cover both current and future projected needs for affordable housing, so there would be no need to increase overall housing provision.’

5.65 It is noteworthy that the appeal scheme offers the full policy-compliant provision of 40%. That raises a question concerning the CIL compliance of that policy demand, given that the SHMA suggests that 31.9% would correctly address the level of need. It is for this reason that a ‘blue pencil’ clause is included in the S106 Obligation that (in the event of allowing the appeal) invites the Inspector to take a decision. The Appellant is prepared to offer 40% affordable provision if the Inspector deems that to be CIL compliant. If not, then the Appellant accepts provision at 31.9%.

5.66 I note that other schemes in Breckland include considerably less than this, as certain other developers have looked to reduce the level of provision. By way of one example, Watton site allocation W4 received planning permission on 4th November 2016 for the erection of 23 dwellings & garages [ref: 3PL/2015/1322/F]. That was based upon the provision of full provision of 40% affordable. Within a month of that approval, an alternative application was submitted [ref: 3PL/2016/1539/F] looking to revise downward the affordable housing contribution. That application is proposing a reduction from 9 affordable units to 3 ‘semi-affordable’ (ie shared equity) units, demonstrating the difficulty that some developers face in delivering the full 40% quota.

5.67 Paragraph 4.22 of the Core Strategy explains that the Breckland Housing Needs Survey 2007 (upon which CS Policy DC4 is based) identifies a net affordable housing requirement of 964 units per year. That is significantly higher that the CS total annual dwelling (all dwellings) requirement of 780 units per year (to meet RSS requirements from 2001 to 2021).

5.68 Paragraph 4.25 of the Core Strategy Evidence states that the 40% policy threshold is based on evidence that:

‘... demonstrates that this is a viable threshold and would yield at least one affordable unit for every two market dwellings.’
5.70 Regrettably that has proven not to be the case. All Annual Monitoring reports confirm that the delivery of affordable housing has been massively lower than 40% since the adoption of the Core Strategy on 17th December 2009. Over the course of the past 7 years (since adoption), the Council’s Annual Monitoring reports confirm that:

- AMR 2016 confirms that only 20.8% of the dwellings completed were affordable (129 out of 619 homes).
- AMR 2015 confirms that only 18.8% of the dwellings completed were affordable.
- AMR 2014 confirms that only 16% of dwellings completed were affordable.
- AMR 2013 confirms that only 26% of dwellings completed were affordable.
- AMR 2012 confirms that only 19% of all the units developed.
- AMR for 2011 confirms that only 22% of the units developed were for affordable housing.
- AMR for 2010 confirms that 29% of the units developed were for affordable housing, but explains this “peak” as below:

  'The growth of affordable housing completions over recent years, is largely due to development on the RAF Watton Technical site. In 2009/2010 this site alone, delivered 50% of all affordable housing.'

5.71 Based on the former RSS target of 780 homes per annum, 40% equates to 312 affordable homes each year. So, over the 7 year period since the Core Strategy was adopted, 2,184 affordable homes should have been provided in that period. The following chart is produced from the Council’s latest AMR 2016, and confirms that only 678 were constructed. That is just 31% of the minimum level of affordable housing that should have been provided during that period.
5.72 I would suggest that the level of need in Breckland is on a par with that in Wychavon, and the Inspector’s words in that case should apply with equal force in this case. In his report on two appeals [APP/H1840/A/13/2199085 & APP/H1840/A/13/2199426] in June 2014 [CD C16], Inspector Harold Stephens wrote (at paras 8.123 and 8.124):

‘There are nearly 5,000 households on the waiting list, 35% of whom are families with children. Over a fifth of those have a local connection and are in priority need. The SHMA indisputably records that affordability is at crisis point. Without adequate provision of affordable housing, these acute housing needs will be incapable of being met. In terms of the NPPF’s requirement to create inclusive and mixed communities in paragraph 50, this is a very serious matter. Needless to say these socially disadvantaged people were unrepresented at the Inquiry.'
These bleak and desperate conclusions are thrown into even sharper focus by an examination of the current circumstances in Wychavon itself. Over the whole of the District’s area there is presently a need for 268 homes per annum. These are real people in real need now. Unfortunately, there appears to be no early prospect of any resolution to this problem. Firstly, the 2009 AMR recognizes that between 2005 and 2009, only 229 affordable homes were delivered, an average of some 55 per annum. Over the following 8 year period, between 2009 and 2013, some 501 were delivered, or an average of 62 per annum over a whole economic cycle. Given the continuing shortfall in affordable housing within the District, I consider the provision of affordable housing as part of the proposed development is a clear material consideration of significant weight that mitigates in favour of the site being granted planning permission.’

5.73 The NPPF is clear that the supply of housing should be boosted significantly to meet the full objectively assessed need for both market and affordable homes.

5.74 The NPPF is also clear that planning should be a proactive process to deliver the homes the country needs. Paragraph 17 states the importance of making every effort to respond positively to growth which meets identified needs taking account of market signals such as land process and affordability.

5.75 A community’s need for affordable housing (indeed for all housing) is integral to the social dimension of the golden thread of sustainable development running through the NPPF. It is a key part of the NPPF policy to provide mixed and inclusive communities, including §55 and its promotion of sustainable development in rural areas, where:

‘... housing should be located where it will enhance or maintain the vitality of rural communities.’

5.76 I consider that the level of affordable housing offered (be that 40% or 31.9% at the Inspector’s discretion) represents a very significant social benefit which should be afforded significant weight in the determination of this appeal.

5.77 Finally (in respect of social benefits) the Section 106 obligation includes financial payments towards school and library services. While it might be argued that these are a necessary part of the scheme to respond to the planning impacts of the proposal itself, these will also provide some social benefit to the wider community.
Environmental Benefits

5.78 In considering environmental benefits, paragraph 8 of the NPPF states that, to achieve sustainable development, economic, social and environmental “gains” should be sought.

5.79 As a starting point, I acknowledge the permanent loss of any greenfield site as an environmental dis-benefit. But balanced against that is need to find sites to locate more housing land in Breckland in order to boost supply significantly, and the fact that that will inevitably require the loss of open countryside.

5.80 NPPF paragraph 112 confirms that:

‘Local planning authorities should take into account the economic and other benefits of the best and most versatile agricultural land. Where significant development of agricultural land is demonstrated to be necessary, local planning authorities should seek to use areas of poorer quality land in preference to that of a higher quality.’

5.81 The site is BMV agricultural land. Indeed, there seems to be very little Grade 1 land in Breckland. The Agricultural Land Assessment attached at Appendix 3 of my evidence confirms that circa 50% of the land is Grade 2 and the remainder is Grade 3a.

5.82 At CD 38 the East Region Agricultural Land Classification Map (Natural England) indicates that much of the western part of Breckland is either Grade 4 (‘poor’) or ‘other land primarily in non-agricultural use’, whereas the eastern part (which includes Watton) is largely Grade 3 (good to moderate) with small pockets of Grade 2 (very good).

5.83 It is, however, clear that, if Breckland’s housing requirement is to be met, then the loss of some BMV land is inevitable. For example, two out of the four Watton sites allocated for development in the Site Specific Proposals Policies & Proposals Plan (January 2012) were agricultural land, and the more recent Preferred Site Options and Settlement Boundaries document (October 2016) identifies alternative sites that (if allocated) would involve the loss of agricultural land. I also note that the loss BMV has not been raised as an issue of concern on recent appeals, and that the application was not refused on such grounds. This matter is of course presented as an economic consideration under NPPF paragraph 112:

‘Local planning authorities should take into account the economic and other benefits of the best and most versatile agricultural land. Where significant development of agricultural land is
demonstrated to be necessary, local planning authorities should seek to use areas of poorer quality land in preference to that of a higher quality.'

5.84 The site’s visual quality / appearance is of mediocre appearance compared to many countryside locations, including large parts of Breckland. The Council’s own landscape assessment confirms the landscape is of low sensitivity to change, and points to the often harsh interface between the southern edge of Watton and the countryside beyond.

5.85 There will be environmental benefits arising from the scheme. Trees and hedgerows will be retained (as indicated on the illustrative masterplan). New trees and hedgerow will be planted. A new pond will created of benefit and an enhancement to GCN that are a Protected Species. A sizeable area of landscaped open space will be provided, including planting selected not only for its visual ‘softening’ appearance, but also to maximise its contribution to biodiversity based on ecological advice. Fencing will be provided along the site’s southern edge to deter trespass onto the adjacent fields and possible disturbance of ecology. There is clear evidence of unauthorised access onto this land at present, so the prevention / deterring of that trespass ought to be seen as a further environmental benefit of the appeal scheme.

5.86 The hard elements of the scheme will reflect the advice set out in the submitted Ecology Assessment reports, including provision for bat and bird boxes, and new trees and other vegetation will be selected to maximise its contribution toward biodiversity.

5.87 Section 4.1 of the ATMOS summary note at my Appendix 2 sets out the range of ecological mitigation measures in more detail. These include:

- Additional recreational space has been provided within the development to try and reduce the impact of recreational users on more sensitive habitat such at that encompassed within the Wayland Wood SSSI and also Breckland SPA and Breckland Farmland SSSI.

- As I note above, access to the countryside, including Wayland Wood SSSI, beyond the development would only be via existing routes. Boundary fencing along the southern boundary would not allow access out onto this area. As such, any access to Wayland Wood SSSI would only be available by going through Watton, making it a less desirable destination for those on foot.
• Hedgerows and mature trees which have bat potential will be retained within the design of the development. In addition, boundary habitat will be enhanced along the southern edge of the development, in a strip varying between 5 m and 20 m to create continuous scrub, which will both enhance ecological interest but also create a buffer to control access to areas potentially sensitive for Stone curlew.

• The new pond, in proximity to the existing (off site) pond, with suitable scrub and grassland habitat will enhance this area and create new aquatic habitat.

• Reasonable Avoidance Measures (RAMS) will be put in place during the construction process to prevent harm to individual amphibians.

• As a result of these measures, habitat for great crested newt will be protected and improved.

• To ensure that bat habitat is not greatly affected by the proposals, mature trees with bat roost potential have been retained within the scheme.

• Additionally, hedgerows on the boundary of fields would also be retained so far as possible and additional habitat would be created along the southern boundary of the site to enhance/increase this area, creating additional foraging areas for bats.

• The addition of a pond within the site would also create foraging opportunities for bats.

5.88 Overall, therefore, I contend that the proposal represents sustainable development, which will contribute *economically, socially and environmentally*. In view of that, and while I accept the presumption in paragraph 14 does not apply in this case, the delivery of sustainable development is still of critical importance.

5.89 As Mr. Davies points out in his transport evidence, the appeal site is sustainably located and accessible to Watton, as one of the District’s recognised sustainable settlements. Those living in the new homes (if allowed) will be able to easily access the good range of shops, services and schools in the town.

5.90 My overall view is therefore that the proposal is sustainable and complies with the NPPF, and that considerable weight should be attached to that level of compliance.
6.0 OTHER CONSIDERATIONS

TRANSPORT

6.1 The application was supported by detailed information on transport matters. The Transport Assessment contends that a residential development of up to 180 dwellings can be accommodated on the proposed development site without prejudicing the ability of the local highway network to transport people and goods around the local and wider area. Bidwells concluded that there are no overriding transport or highway reasons why the proposed residential development should not be approved.

6.2 The application was not refused on transport ground, and there was no objection from the Highway Authority. I agree with the manner in which this was reported in the Committee Report (paras 5.1 and 5.2):

‘Access to the proposed development from the primary road network would be gained via existing residential estate roads, including Mallard Road and Woodpecker Drive, leading to a roundabout junction onto Brandon Road, (B1108). These residential roads are of a good standard, meet relevant standards and are considered suitable in highway terms to cater for the additional traffic likely to be generated by the proposal. As noted above, the development would also be within easy walking and cycling distances of local services. Local bus services provide regular connections to other centres of population in the area. The Highway Authority has raised no objection to the proposal on this basis.

Consequently, it is considered that the proposal is acceptable in transport terms and would be consistent with NPPF paragraphs 32, 34 and 35.’

6.3 The application was also supported by a Residential Travel Plan Framework. This included measures and initiatives that can be promoted on a site-wide basis. This was endorsed by the Highway Authority and, in the event that the appeal is allowed, a condition to secure this matter can be imposed.

6.4 I will defer detailed commentary on transportation and access matters to Mr. Davies of DTPC in his evidence, but I contend that there is no conflict with any national or local transport-related policy.
DESIGN AND LAYOUT

6.5 Whilst at outline stage and based on illustrative materials the scheme presented can clearly achieve good quality design and layout.

6.6 The NPPF recognises that good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. Whilst in outline, it is evident that considerable care and effort was put into the design process. The design team formulated an indicative layout which will be visually attractive and sustainable, and – through careful design and selection of materials – I see no reason why the development could not be formulated to integrate with the context / surroundings and deliver a good quality, balanced, mixed environment, with extensive hard and soft landscaping and open space, and with due regard to local distinctiveness.

6.7 If the Inspector considers it desirable and necessary, I confirm that the Appellant will welcome a condition that requires the ultimate form of development to be delivered in broad conformity with the illustrative masterplan. Such an approach would not only fix the access as a detailed element, but also the broad extent and disposition of open space, structural landscaping, tree and hedgerow retention, and zones of housing.

FLOOD RISK & DRAINAGE

6.8 A *Flood Risk & Surface Water Drainage Assessment* (FRA) was submitted with the application. This was revised during the course of the application.

6.9 The report demonstrates that the development site is within Flood Zone 1 and is at a low risk of flooding from all sources, with appropriate mitigation measures incorporated within the development design. It is not therefore subject to the Sequential and Exception Tests, and the scheme will incorporate a Sustainable Surface Water Drainage Strategy to drain the proposed development’s impermeable area and ensure flood risk is not increased.

6.10 Paragraph 7.1 of the Committee Report deals with this simply, and I concur with this summary:
The application site falls within Flood Zone 1 and is therefore at low risk of flooding. In order to ensure that the proposal would not give to an increased risk of flooding elsewhere a SUDS system is proposed, the detail of which would be subject to later approval under a planning condition. The proposed system would limit surface water flows to less than the existing greenfield run off rate. On this basis, the Environment Agency raises no objection to the application. Foul drainage would be via the mains system. Anglian Water raises no objection to the application subject to conditions, including a requirement to submit proposals for improvements to the existing sewerage network.

6.11 I have noted the comments on flooding and drainage matters that have been submitted by third parties, and to assist the Inspector and those third parties, I have attached at Appendix 4 a response document produced by Mr. Richard Martin of BLI Consulting Engineers Ltd).

ARCHAEOLOGY

6.12 The application was also supported by an Archaological Desk Based Assessment by CGMS. This considers the archaeological implications of the proposed development. It confirms that there are no Scheduled Ancient Monuments, Listed Buildings, Registered Parks and gardens or other designated heritage assets on the site, and none nearby. It also confirms that the Norfolk Historic Environment Record (HER) does not identify any undisgnated assets on the site, and CGMS suggest that the site has a low theoretical potential for as yet undiscovered archaeological assets. Any evidence, it suggests, will be of no more than local significance. I note that the Council’s Historic Environment team was consulted and raised no objection to the application. As such, I consider that there are no archaeological-related reasons to resist the proposal, subject to the condition agreed between the Appellant and the LPA.

TREES

6.13 An Arboricultural Constraints Report (by Oakfield) was submitted with the application. This records that a total of 34 individual trees, 5 groups of trees and 3 hedges have been surveyed. Individual and groups of trees have been categorised as follows:

- Category A - 1 individual tree- retention highly desirable, high resistance to removal
- Category B - 13 individual trees and 4 groups of trees– retention desirable, resistance to removal
• Category C – 20 individual trees, 1 group of trees and 3 hedgerows- retention favoured where possible, low resistance to removal.

6.14 The application is submitted in outline, and as such the submitted site masterplan must be regarded as illustrative. It does however demonstrate the extent of development that can be achieved on the site without significant loss of existing trees and hedgerows, whilst also accommodating the scale of development and play areas needed to serve the development.

6.15 The precise layout will be determined at Reserved Matters stage, but the Inspector will note that Site Masterplan 01-02-001D indicates that most trees and much of the hedgerow will be retained, with additional planting to supplement this. Considering the positioning of most trees around the site perimeter and along lines of hedgerow that can readily be incorporated into the ultimate design (as shown on the illustrative layout), most of the trees can be retained, and as such there is no reason to resist the appeal on tree grounds.

**GROUND CONDITIONS**

6.16 A *Phase 1 Geo-Environmental Report* [CD F11, 12 & 13] was submitted in support of the application. The information gathered during the desk study forms the basis of the Conceptual Site Model (CSM) in which potential pollutant linkages have been explored. The CSM shows that contamination *may* exist on the site, that there are potentially sensitive receptors on and around the site, and that suitable pathways *may* exist to link these receptors to the source of the contamination. The Report demonstrates that neither the Environment Agency nor the Council’s Environmental Health / Contamination team raised any concerns or objections subject to the attachment of those conditions, and as such I see no reason why the proposal should be resisted in these terms.
7.0 S106 Obligations

7.1 A Section 106 Unilateral Undertaking is being prepared at the point I write this evidence, and (when completed) will be included in the updated Core Documents [CD I3].

7.2 That document is being shared with the legal departments of Breckland Council and Norfolk County Council, and their comments will be taken account of. The signed version will be handed to the Inspector at the Inquiry.

7.3 The S106 largely reflects the principles as set out in the Committee Report.

7.4 It includes a provision for 40% affordable housing and has been drafted to reflect the comments of Inspector Rose in his dismissal of appeal reference APP/F20605/W/16/3156227 (Land at Westfield Road, Dereham) [CD C5]. That appeal was refused solely on the basis of what the Inspector considered to be a flaw in one clause of the S106 that he considered could prevent the delivery of affordable housing (refer to paragraph 22 onwards in the appeal decision).

7.5 Having regard to the policy requirement of 40% affordable, I explained earlier that the SHMA 2016 (which was published subsequent to and is far more up to date than the affordable housing policy) confirms that:

‘... provided that 31.9% of housing was delivered to meet affordable housing need then this would cover both current and future projected needs for affordable housing, so there would be no need to increase overall housing provision.’

7.6 I also note that the Draft Breckland Housing and Homelessness Strategy 2017-21 states that (with my emphasis):

‘Our evidence suggests that, in order to meet the needs of our district, there is a need for around a third of new housing to be affordable housing.’

7.7 Subject to the Inspector’s consideration, the appeal scheme offers the full policy-compliant provision of 40%. That does, however, raise a question concerning the CIL compliance of that policy demand, given that both the more up to date SHMA and Housing and Homelessness Strategy suggest that 31.9% would correctly address the level of need. It is for
this reason that a ‘blue pencil’ clause is likely to be included in the S106 Obligation that invites the Inspector to take the decision on the correct CIL-compliant level of affordable housing. The Appellant remains prepared to offer 40% affordable provision if the Inspector deems that to be CIL compliant. If not, then the Appellant will accept provision at 32%.

7.8 The S106 will also include a financial payment towards the provision of education. The requirements of this are set out in the paper issued to PINS by Norfolk County Council. That states that the figures are to be reviewed within 6 months, and I requested that review on 15 April 2017. The County Council responded by email on 28th April 2017 that:

‘The figures presented in our CIL compliance statement (submitted September 2016) are what we expect in the S106 and will be justifying to the inspector at the inquiry. There is no issue with pooling as outlined in our statement.’

7.9 The Committee report recommended approval on the basis of a contribution towards open space, but did not specify an amount. I have queried this with the LPA, who (at the point of finalising this evidence) have not responded to my various requests for this quite basic information. I am aware that that follows a standard template, so I anticipate the final figures will be agreed with the LPA and that those will be enshrined in the UU.

7.10 The Committee report also suggested the payment of a contribution towards library services, which again is set out in the report of Norfolk County Council. In that, a contribution is sought towards the upgrading of the library’s IT system. I queried this on 15th April 2017, and the County Council responded on 11 May 2017, as below:

‘The upgrade is pay towards installing the Open Library system that allows people to access the library outside current opening times. This is so more people can use the existing facilities without the need to build new libraries. The system is currently installed in a number of library authorities in the UK, Europe and America, including 14 in Norfolk. The cost of the equipment is based on a tender exercise carried out in June/July 2016 NCCT41156. The cost of some elements comes from Norfolk County Council project budgets.

There are three other agreements:

- 3PL/2014/1253/0 180 dwellings and 3PL/2015/0219/F 73 dwellings as outlined in our CIL compliance statement contributing £10,800 and £4,380 towards the IT equipment project to deliver the Open Library System.
3PL/2016/0084/F for 106 dwellings has been permitted since our statement was submitted contributing £6,360 towards the IT equipment project to deliver the Open Library System.

There is no problem with pooling as only 3 agreements are contributing to the IT equipment project for the Open Library System, totalling £21,540. Any shortfall in costs will be made up by the County Council and any money agreed which has not been spent on the identified project within the agreed timeframe will be returned.

Children's Services are working on their response and I will share this with you as soon as I receive it.

7.11 The Appellant is agreeable to paying this contribution as it appears to be justified and reasonable.

7.12 The Council has confirmed that it has withdrawn Reason 3 (concerning impact on healthcare). While the NHS did not comment at application stage, it has since raised an objection unless a financial payment of £65,193 is paid to:

“form a proportion of the required funding for the provision of the capacity to absorb the patient growth generated by this development”.

7.13 In considering this request, it is important to review the rationale behind the Council’s decision to withdraw Reason 3. This is set out in the Committee Report of September 2016 [CD E5]. That report refers to two recent appeal decisions in which both Inspectors found that the issue on healthcare relates to the problem of attracting doctors to Watton, as opposed to a lack of space / capacity / IT infrastructure within Watton Medical Practice. They considered this to be a national problem and one that the developers in those cases could not be expected to fix.

7.14 For that reason, the September 2016 Committee Report urged members to withdraw the reason for refusal. This is set out in paragraph 5 of that report:

‘On the basis of the evidence currently available there are concerns that it would not be possible to properly substantiate the third reason for refusal relating to local healthcare facilities. Although the potential effects of development on local infrastructure, including healthcare, is a material
consideration, it is understood that one of the key difficulties experienced by the Watton Medical Practice is a shortage of doctors. This is a widespread problem that falls within the remit of the health authorities and is a matter over which planning has no direct influence. No consultation response was received from NHS England on the planning application, although objections were raised by Watton Medical Practice for the reasons set out above.'

7.15 It is also important to consider my correspondence with the Medical Practice. I wrote to them in July 2016 (CD H1) to request clarification on their objections to the planning application, and they replied later that month (CD H2). Their response is interesting, and – bearing in mind the request from the NHS – the following seem particularly notable comments from the Medical Practice:

‘... unless you can increase the numbers of GPs who want to move to Norfolk and more specifically Watton, I am not sure that there is too much anyone can do to help the situation.

As you know, there is a national shortage of GPs ...

The practice building has the capacity to grow with the population, if there were the clinical resources to recruit into it. This is not about building infrastructure, but clinical infrastructure.’

7.16 So, when I received the appeal objection letter of 17th October 2016 from the NHS I was surprised, because that seeks a contribution of some £65,000 towards the cost of providing floorspace. It also refers to the need to upgrade IT at the Practice and suggests that the Appellant should contribute towards that (but does not state how much). I was therefore confused by the letter and duly contacted the NHS to request clarification (see my email of 15th April 2017 at CD H3).

7.17 The Head of Estates of NHS England (East) responded by email on 6th May 2017, which I reproduce in full below:

As you are aware, it is very difficult to plan for the needs of a new development until we are aware if the planning application has been successful and we have a trajectory for delivery. As every response we provide to the local authority is a public document we have to be careful not to raise expectations of the local community for improvements to increase capacity until we are clear of a
funding stream

However I do understand the [sic] both yourselves and the inspectorate need as much information as possible to be able to justify mitigation sought.

In this instance this surgery is not personally familiar to me, the contract manager for the area and the CCG will have much more insight into the needs and ambitions of this practice and they were involved in the preparation of the submitted response.

In this instance there are many ways that we can work with the practice to increase capacity for the number of patients potentially generated by this development. These options will be further explored and worked up with the practice once the outcome of the appeal is known.

As you may be aware any improvements to primary care premises must be compliant both with DH criteria and infection control, this does make any changes costly but at the same time provides sustainability. The projects we would explore for this practice would include internal reconfiguration or upgrade of facilities to enable increased capacity for a wider range of services to be delivered from the site. We may explore the option of extended hours and this may require an application to the local authority to increase the operating hours of the service. We will also look at possible upgrades to IT systems and introduction of new IT initiatives to increase capacity and accessibility without increasing physical footprint, this could include facilities to allow virtual consultations, or increased telephone triage. Mitigation in the form of a monetary contribution from this proposed development would contribute to the cost of any or all of the above but is unlikely to fund to the total costs of works, remaining funding would need to be secured via a working partnership with the practice, the CCG and NHS England.

7.18 On the above basis, I have advised the NHS and my client that I do not consider the request to be policy compliant. The NHS emailed me back to query:

‘Can you explain the reasons for this. In order for a development to be sustainable it has to ensure adequate service provision for the future residents, without mitigation there may not be capacity to accommodate the new residents within the local GP practice.’

7.19 I consider the request from the NHS to be far too vague and imprecise. The NHS is demanding a substantial payment which was originally based on floorspace improvements, with an ambiguous reference to IT capabilities. Following my queries, the request deviates from floorspace (which the Medical Centre itself has already confirmed is
not an issue) to little more than a ‘wish list’ of potential projects upon which the £65,000 might be spent. There is clearly no specific identified project or demonstrable need for this payment, and the author of the NHS letter has acknowledged that she is “not personally familiar” with the Watton Practice. She also advises that the NHS request was framed by the ‘contract manager’ for the area, and yet the letter I received from the Medical Centre seems to contradict that. I also note that the Medical Centre has not engaged as part of the appeal process (aside from responding to my letter), and neither have the CCG nor the ‘contract manager’.

7.20 It is for these reasons that I do not consider the NHS request to be CIL compliant. The LPA agree with that and it is to be confirmed in the SCG.

7.21 If, however, the Inspector disagrees, the S106 will include a ‘blue pencil’ clause that – if triggered by the Inspector – will result in the full payment to the NHS.
8.0 THE PLANNING BALANCE

8.1 S.38(6) of the Planning and Compulsory Purchase Act 2004 indicates that, if regard is to be had to the development plan for the purposes of a decision, the determination should be in accordance with the development plan, unless material considerations indicate otherwise.

8.2 In this context, the relevant development plan policies that are disputed by the LPA for the purposes this appeal are Core Strategy policies CP10, CP11, CP14 and DC1, as identified in the reasons for refusal.

The Appropriate Balancing Exercise

8.3 The usual presumption in favour of development set out in NPPF §14 does not apply in this case, but that does not diminish the importance of delivering sustainable development. It remains of paramount importance, and particularly in circumstances where the necessary Appropriate Assessment has been submitted and satisfied (as we maintain is the case), and – crucially - endorsed by Natural England:

‘Natural England is the Secretary of State's scientific adviser on the subject of biodiversity. Its evidence should only be rejected where there is clear objective evidence which contradicts it.’

[paragraph 36 of appeal decision at CD Ct]

8.4 I consider that the proposal satisfies all policies, at local (both adopted and emerging) and national levels. I explained earlier why I consider that to be the case.

8.5 The purpose of the ‘balancing’ section of my evidence is to summarise the potential for any adverse impacts or harm, followed by a summary of the benefits. It demonstrates that, with reference to earlier sections of my evidence (and cross referring to the evidence of my colleagues) that any adverse impacts are minimal and clearly do not outweigh the benefits of the proposal, which are substantial.

8.6 As a starting point, it is important to recognise that:

- The Council cannot demonstrate a robust and reliable 5 year supply of housing (as explained by Mr. Purser).
- The application was refused on the basis of policies that were adopted pre-NPPF, and which were based on a now revoked RSS that put in place a constrained development
agenda that was markedly different to the pro-growth one of NPPF. For various reasons (which I have explained elsewhere) the adopted development plan is not entirely consistent with the NPPF, not least of which is the need to boost significantly housing supply and the fact that the housing supply policies of the former RSS (and the development plan policies and settlement boundaries that flowed from that) were not based on the FOAN.

- The Council recognises that Watton needs more housing. While its Preferred Site Options and Settlement Boundaries 2016 cannot be afforded full weight, I suggest that a good degree of weight should be attached. I say that because the document is the most up to date expression of the Council’s policy direction in the post-NPPF era. It recognises that Watton needs more housing and it has factored in the appeal site and scheme into its allocation for the town (subject to the determination of this appeal).

- The proposal is in broad compliance with the spatial strategy for Breckland. Policy SS1 defines Watton as a ‘mid size market town’ which offers a ‘good range of services for their residents’ day-to-day needs’. It is clearly a settlement to which the spatial strategy seeks to focus significant levels of housing growth, in order to deliver a sustainable pattern of development.
Adverse Impacts

8.7 The application was submitted with a comprehensive suite of supporting information, which demonstrates that the site is free from significant constraints. Support for that position is the lack of objection from any statutory body (including Natural England) and the recommendation of the Council’s professional officers to approve.

8.8 Notwithstanding the reasons for refusal given by the Council, the site is not subject to, nor especially sensitive in terms of any built or natural protection designations, aside from the fact that half of the site falls just inside the 1,500 ecological buffer zone that is in place. The proposal will not result in significant harm in terms of amenity, community, heritage, traffic, technical or other public interests.

8.9 The construction stages of the development may have some effects which will be short term, temporary in nature, and local to the site and immediate area. In any event, best practice measures will be put in place to mitigate any adverse temporary impacts in terms of noise, the operation and timing of construction traffic, plant and machinery, and the management of any other construction-related disturbance. This will include hours of construction and dust mitigation measures.

8.10 Some temporary impacts are of course common for all developments, and they can be readily managed and controlled.

8.11 The RfRs allege harm to landscape character. Whilst I acknowledge that the development of the site for housing will change the character of the site, this is not necessarily materially harmful. The Appellant’s evidence combined has demonstrated that:

- The landscape character has a low sensitivity to change (this is confirmed in the Council’s own assessment work).

- The interface between the built up area of this part of Watton and the countryside is ‘harsh’ (again, as acknowledged in the Council’s assessment and in recent appeal decisions).

- This scheme, combined with high quality landscaping and the retention of trees and hedgerows could improve that interface.

- The appeal site is surrounded on three out of its four sides by the built up area.
• The appeal scheme is well conceived and an outline planning permission with appropriate conditions and S106 obligations will provide a framework for a high quality residential scheme.

8.12 In this context, I do not accept that the appeal proposal will have a significantly harmful impact on built or landscape character and appearance. Whilst the introduction of housing will change the nature and character of the site, the proposal will integrate well within its context, and the housing will reflect the established pattern of development in the immediate locality.

8.13 I therefore suggest that any harm arising from the appeal proposal is minor in nature (if indeed it can be said that harm will arise at all). It is certainly not sufficient to outweigh the benefits of a proposal which in any event accords with the development plan.

The Benefits of the Scheme

8.14 The appeal proposal will deliver the material benefits as summarised below.

8.15 **Provision of Additional Housing.** The evidence of Mr. Purser demonstrates that the Council does not have in place a robust 5 year supply of housing. Even if that were not the case, the Council is charged with boosting significantly its housing supply. This proposal will deliver up to 177 dwellings within the 5 year period. The provision of additional housing in this context is a clear and significant benefit of the proposal.

8.16 **Provision of Affordable Housing.** There is currently an acute shortage of affordable housing in Breckland. The proposal will assist in addressing this deficiency through the delivery of a policy compliant 40% (subject to the Inspector’s discretion when considering the ‘blue oencil’ clause in the S106). That would equate to 71 affordable homes (if 40%) for those that need them. The delivery of affordable housing without public subsidy is a very significant material benefit that must be given substantial weight in the planning balance. I agree with Inspector Gleeson’s assessment at paragraph 31 of his decision in allowing appeal ref: APP/F2605/W/16/3143092 (Land at Attleborough Road, Great Ellingham, Breckland) for 39 dwellings in September 2016:
The reasoned justification to Policy CP1 identifies the provision of affordable housing as the Council’s top priority and therefore a policy compliant scheme should be given very significant weight…” [paragraph 31]

8.17 **Provision of Green Infrastructure.** This proposal will create a network of green open spaces and environmental features, including a pond, substantial new tree, hedgerow and shrub planting, retention and management of existing trees and shrubs. All of these spaces will be accessible to the entire community, not just those living in the new homes. I would add that the illustrative masterplan indicates considerably more open space than is required by policy, and – if the Inspector considers it necessary – I confirm that the Appellant will accept a condition that requires the ultimate form of development to be delivered broadly in line with the illustrative masterplan.

8.18 **Provision of Play Space.** A childrens’ play facility (a LEAP) will also be provided within the scheme. This will be available to any children who wish to use it, and not just those living in the new houses. I consider this to be an important balancing benefit because the Council’s Open Space Assessment (2010) confirms that 80 – 89% of the population of the parish of Watton live outside the catchment of a LEAP.

8.19 **Ecology and Biodiversity.** The work of both ATMOS and Dr. Kirby demonstrates that the proposal will enhance the biodiversity value of the site. The Council’s ecological advisers agreed the Appropriate Assessment and the range of ecological measures, which resulted in the recommendation to approve the application. Crucially, when considering stone curlews and the Appropriate Assessment, Natural England has raised no objection. The ecological benefits include the provision of additional recreational on site space and the erection of fencing along the southern boundary (within the structural landscaping), which will reduce the impact of recreational users on more sensitive habitat such at that encompassed within the Wayland Wood SSSI, Breckland SPA and Breckland Farmland SSSI. Hedgerows and mature trees will be retained, and boundary habitat enhanced along the southern edge of the development, in a strip varying between 5 m and 20 m to create continuous scrub, which will both enhance ecological interest but also create a buffer to control access to areas potentially sensitive for Stone curlew. The new pond, in proximity to the existing (off site) pond, with suitable scrub and grassland habitat will enhance this area and create new aquatic habitat.
8.20 **Supporting Local Services.** National and local planning policies seek to retain and enhance the provision of local services and to sustain rural communities. The proposed development will provide a larger catchment of local residents to use Watton’s shops and services, aiding their viability and supporting longevity and growth. In particular, the proposal will increase the working age population and available expenditure in the settlement.

8.21 **Economic Benefits.** I set out earlier the economic benefits in some detail, so I will not repeat the same points. The scheme will support construction jobs and will generate a significant New Homes Bonus and Council Tax, which can be used to support local service provision.

**Summary of Planning Balance**

8.22 The above constitute considerable benefits, which – combined with the fact that the proposal accords with adopted and emerging development plan policies and the NPPF – should carry substantial weight in the balancing exercise and the overall assessment of the appeal.
9.0 SUMMARY AND CONCLUSIONS

9.1 I am Richard Gee. I am a town planning consultant with around 20 years professional experience. I have worked in both the public sector and (for the past 15 years or so) in the private sector. I have worked for three of the UK’s leading planning consultancy firms (GVA Grimley, DPP and RPS), and for the past 10 years I have run my own planning consultancy firm, Roman Summer Associates Ltd.

9.2 I represent a wide range of clients and handle planning-related projects, including large scale housing, retail and leisure schemes and mixed use regeneration projects.

9.3 I was not involved in this project during the application process, but have been engaged since to handle this appeal.

9.4 The evidence that I have prepared and provide for this appeal in this Proof of Evidence is true, and I confirm that the opinions expressed are my true and professional opinions.

9.5 This appeal relates to a proposal to build up to 177 homes – of which up to 40% will be affordable – on a countryside site on the southern edge of the settlement of Watton, which is deemed to be sustainable and appropriate to accommodate the evolution and growth of this settlement.

9.6 By way of context, in the Government’s recent (February 2017) White Paper ‘Fixing Our Broken Housing Market’, the Prime Minister tells us that:

‘Our broken housing market is one of the greatest barriers to progress in Britain today. Whether buying or renting, the fact is that housing is increasingly unaffordable – particularly for ordinary working class people who are struggling to get by.

I want to fix this broken market so that housing is more affordable and people have the security they need to plan for the future.

The starting point is to build more homes. This will slow the rise in housing costs so that more ordinary working families can afford to buy a home and it will also bring the cost of renting down.'
We need to build many more houses, of the type people want to live in, in the places they want to live. To do so requires a comprehensive approach that tackles failure at every point in the system.’

9.7 The application was refused for four reasons, although the Council has since confirmed that one of those (relating to impact on healthcare provision) is withdrawn.

9.8 The remaining three reasons relate to landscape/townscape impacts and ecology. Reason 4 reads to me as little more than a ‘catch all’ reason for refusal that largely repeats the contents of other reasons. While it acknowledges certain economic and social benefits of the appeal scheme, its overall conclusion is that the proposal is not sustainable. I disagree and have explained why in my evidence.

9.9 The reasons for refusal cite only four adopted local/development plan policies, and just two paragraphs of NPPF.

9.10 Setting aside those four policies (with which I see no conflict), I have agreed with the Council’s stance that the proposal is consistent with all other Development Plan policies (both adopted and emerging).

9.11 Likewise, I agree with the Council that the appeal scheme is consistent with all of the policies, aims and objectives of NPPF. The two exceptions (the Council maintains) are NPPF paragraphs 109 and 118 (both of which relate largely to ecology). Again, on the basis of the evidence of Dr. Kirby, the ecological information prepared by ATMOS Consulting, and the lack of objection from Natural England, I disagree with the Council, and consider that the scheme is consistent with those two paragraphs and the remainder of NPPF.

9.12 The same applies to the entirety of the NPPG, which is not cited in the reasons for refusal. I see no inconsistency and certainly the Council has pointed to none.

9.13 On the face of it, I accept that the appeal proposal is inconsistent with policies that promote development within the defined settlement boundaries. The appeal site is located in the countryside just outside Watton’s settlement boundary, and the associated policies would ordinarily prevent housing development.
9.14 However, the evidence of Mr. Purser demonstrates that the Council does not have in place a robust 5 year supply of housing. When there is not a 5 year supply in place, NPPF §49 could hardly be clearer. It tells us that:

'Relevant policies for the supply of housing [such as those governing this appeal site] should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites.'

9.15 So, my view is that the settlement boundary policies out of date, and I would add that these were prepared against a national policy background which included PPs7 that sought to safeguard countryside "for its own sake". The current policy position is set out in Paragraph 17 of NPPF. It differs in that it requires the planning system to:

"... recognise the intrinsic character and beauty of the countryside."

9.16 There is an obvious distinction between 'recognising' intrinsic character and beauty, and protecting it "for its own sake". If it were intended that the policy protecting the countryside "for its own sake" was to be continued, NPPF would be expressed as such. The position in NPPF is to exhort decisions to be based on qualitative and informed judgments rather than "blanket" designations.

9.17 Paragraph 109 of NPPF protects "valued" landscape. "Valued" landscapes can only be those that are capable of being identified on an objective and rational basis in order that they are protected, having regard to the value identified. Not every landscape can be valued. This is clear from paragraph 113 of NPPF that requires distinctions to be made in a hierarchy of designated sites and protection afforded:

"commensurate with their status and gives appropriate weight to their importance."

9.18 So, having regard to the above, the appeal site is not an objectively assessed landscape of substantive value. It holds no special designation, and has been described in those terms by a recent Inspector in allowing a housing appeal on the edge of Watton.

9.19 Furthermore, the Council’s own landscape assessment recognises that this part of Watton is not sensitive to change and describes the current interface with the countryside as
“harsh”. It also suggests that future development might play a part in rectifying that poor quality interface.

9.20 In those terms, the principal land use planning policies affecting the appeal site (aside from those governing the SPA Buffer Zone) must be considered out of date.

9.21 The settlement boundaries are also out of date because they were drawn up to be consistent with the former RSS. RSS has since been revoked, but it advocated a constrained approach to development in Breckland. Given that both of the development plan documents relied upon by the Council were adopted before RSS was revoked, and before the NPPF was published, there can be no question that those policies of the development plan relating to the supply of housing are inconsistent with the Framework, do not reflect its pro-growth agenda, are not based on FOAN. They are unreliable and out of date.

9.22 In my evidence – which should be read alongside that of Mr. Purser, Mr. Taylor, Mr. Davies and Dr. Kirby – I have set out the planning case and balance in support of the appeal proposal, and have considered the extent to which it is supported by the NPPF as a whole, including the need to significantly boost the supply of housing and the delivery of sustainable development (albeit I have recognised that the presumption in paragraph 14 does not apply).

9.23 NPPF Paragraph 18 states that the Government is committed to securing economic growth in order to create jobs and prosperity, while paragraph 47 of the NPPF urges Councils to significantly boost the supply of housing. To that end, the 5 year supply is not an upper threshold, but a minimum target. Councils which are genuinely looking to comply with the NPPF should be giving serious consideration to beating the lower target in order to significantly boost the supply of housing. This should particularly be the case in areas that have long been identified as sustainable (such as market towns like Watton).

9.24 Whilst the usual (NPPF paragraph 14) presumption in favour of sustainable development does not apply in this case, that does not of course mean that it is not important to promote and encourage sustainable development. I have explained I considerable detail why I consider the proposal to be sustainable.
In *economic* terms, the building of up to 177 mixed houses will create substantial construction jobs, generate a substantial New Homes Bonus payment and Council Tax, and result in quality new homes where the Council has identified need and potential.

The new homes will provide good quality accommodation not only for existing residents of Watton (including those in need of affordable housing), but also for workers and business leaders looking to locate and inward invest in this part of Norfolk.

The provision of good quality housing is central to investment decisions made by such persons and companies, so this application ought to be considered in that wider economic context.

The scheme is estimated to cost £30 million to deliver the housing element alone (circa £175,000 per dwelling).

The scheme has the potential to draw upon local labour for the construction of the new homes. While many of these jobs will be located on the site itself, others will be based in the wider Breckland area, with some further afield within the construction supply chain. The jobs will vary in type, from elementary occupations (e.g. site labourers) to professional and higher skilled technical occupations (e.g. project managers and site surveyors).

Alongside its role in supporting employment creation, the construction industry is a good source of training and skills development, including apprenticeships. This is important at a time when young people face particular problems entering the workforce.

I have suggested that a conservative estimate is that the proposal will accommodate a population of around 327. Each household would be expected to spend a significant proportion of their household income in Watton and in wider Breckland. For example, the ONS website data sheet dated 08 February 2013 confirmed that the average total weekly expenditure of households in the UK is £470.70. On that basis, 177 households might (crudely) spend £83,000 each week, or around £4.3 million on an annual basis. Even if that was heavily discounted to account for smaller households and affordable homes, it will remain a considerable amount of available expenditure, and much of this will inevitably be spent in local shops and on local services.

So, I suggest that there can be no question whatsoever that this scheme will deliver considerable economic benefits to Breckland and this part of Norfolk.
9.33 In social terms, I have explained that there is a demonstrable need for affordable housing. In fact, I would go as far as suggesting that there is something of a crisis in Breckland. In the Council’s latest Annual Monitoring Report (2016), paragraph 3.8 draws attention to Policy DC4 of the Core Strategy and Development Control Policies DPD, which requires developments to include 40% affordable housing on all sites of 5 or more dwellings, or where the site area is greater than 0.17 hectares. In the past financial year, the AMR confirms that only 20.8% of dwellings completed were affordable. That broad level of under-provision is a consistent / common theme in all 7 AMRs published since the adoption of the Core Strategy.

9.34 The NPPF is clear that the supply of housing should be boosted significantly to meet the full objectively assessed need for both market and affordable homes.

9.35 The NPPF is also clear that planning should be a proactive process to deliver the homes the country needs. Paragraph 17 states the importance of making every effort to respond positively to growth which meets identified needs taking account of market signals such as land process and affordability.

9.36 A community’s need for affordable housing (indeed for all housing) is integral to the social dimension of the golden thread of sustainable development running through the NPPF. It is a key part of the NPPF policy to provide mixed and inclusive communities. I consider that the affordable housing offered should be afforded significant weight in the determination of this appeal.

9.37 Finally (in respect of social benefits) the Section 106 obligation includes financial payments towards school and library services. While it might be argued that these are a necessary part of the scheme to respond to the planning impacts of the proposal itself, these will also provide some social benefit to the wider community.

9.38 In environmental terms, I have acknowledged the permanent loss of greenfield land / open countryside as an environmental dis-benefit. But balanced against that is the need to find sites to locate more housing land in Watton and Breckland, and the fact that that will inevitably require the loss of land that is currently designated as countryside.

9.39 While the site is greenfield land, its visual quality / appearance is mediocre. Certainly it is not protected by any special designation beyond the fact that it happens to sits just outside the settlement boundary.
The scheme will deliver ‘greening’ enhancements in the guise of public open space and retained and new trees / hedgerows that can be selected to not only maximise their ‘greening’ contribution, but also to contribute positively to biodiversity.

The ecological reports suggest that, through appropriate mitigation and compensatory measures (which can be governed by conditions), that there will be no material harm nature conservation value arising from the development.

Overall, therefore, I contend that the proposal represents sustainable development, which will contribute economically, socially and environmentally. While NPPF paragraph 14 may not apply here, that does not reduce the need to deliver sustainable development. I have suggested that considerable weight ought to be attached to the sustainability credentials and benefits of the proposal, which far outweigh any disbenefits arising from the planning balance exercise.

In overall terms, I contend that the appeal proposal is compliant with all relevant and up to date policies of the development plan (both adopted and the emerging evidence base), including the four local policies that the Council considers to be breached. It is also consistent with the NPPF. I accordingly commend the proposition to the Inspector and respectfully invite him to allow this appeal.