



## Appeal Decision

Inquiry held between 28 and 31 July 2015

Site visits made on 27 and 31 July 2015

by **P R Crysell BSc MSc MRTPI**

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 18 September 2015

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**Appeal Ref: APP/Y2620/W/14/3000517**

**Land south of Lodge Close, Holt, Norfolk NR25 6BZ**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
  - The appeal is made by Gladman Developments Ltd against the decision of North Norfolk District Council.
  - The application Ref PO/14/0846, dated 4 July 2014 was refused by notice dated 2 October 2014.
  - The proposed is for the residential development of the site to provide up to 170 dwellings and associated infrastructure.
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### Decision

1. I dismiss the appeal.

### Procedural Matters

2. The proposal is in outline with all matters reserved for later determination. Prior to the inquiry the main parties submitted a Statement of Common Ground clarifying matters which were not in dispute. These included traffic generation, contamination, drainage, archaeology, minerals safeguarding and landscape impact. Local residents have referred to some of these areas in objecting to the development and I have had regard to these in coming to my decision.
3. The appellant has sought to address concerns in relation to the provision of infrastructure and other facilities by means of a legal agreement under section 106 of the Town and Country Planning Act 1990. A signed and dated copy of this document was submitted on behalf of the appellant and the District and County Councils before the close of the Inquiry.
4. The S106 confirms that provision will be made for affordable housing and open space and financial contributions will be provided. These include mitigation measures for protected areas, improvements to Holt Country Park, education, travel plans and a hopper bus service. A contribution towards library facilities was withdrawn because it was contrary to Regulation 123(3) of the Community Infrastructure Regulations 2010 (CIL). The Agreement would come into effect if planning permission is granted. I have considered the obligations in the Agreement and I am satisfied these would pass the statutory tests in Regulation 122 of the CIL.

5. At the opening of the inquiry I was informed that the Supreme Court had adjudicated on an appeal against North Norfolk District Council for failing to comply with the procedures required by the regulations governing Environmental Impact Assessment (EIA) and "appropriate assessment" under the EIA and Habitats Regulations. I have considered the relevance of this judgement in determining the appeal.

### **Main Issues**

6. I consider the main issues are:
- 1) Whether the Council can demonstrate there is a five year housing land supply having regard to national guidance and the implications of my findings in that matter having regard to the policies contained in the District Council's Core Strategy and Site Allocations Development Plan Document<sup>1</sup>; and
  - 2) The effect of the proposed development on the provision of education facilities.

### **Reasons**

7. The appeal site comprises 7.09 hectares of flat, agricultural land which is divided between two fields. Properties on Norwich Road limit views from the west to glimpses between buildings and an extensive area of woodland forming part of Holt Country Park lies to the south and east. An illustrative diagram shows access would be gained from an existing area of housing which lies immediately to the north of the site and which marks the transition from the urban edge of the settlement to the countryside beyond.

#### *Planning policy*

8. The development plan for the area comprises the North Norfolk Core Strategy<sup>2</sup> which was adopted in 2008 (CS) and the Site Allocations Development Plan Document<sup>3</sup> (SADPD) adopted in 2011.
9. The objective of spatial policy SS 1 is to focus the majority of new development on four principal settlements of which Holt is one. More limited development is anticipated at four secondary settlements. Smaller amounts of growth, intended to support rural sustainability, are directed to a number of service and coastal villages.
10. The remainder of the District is classified as 'Countryside' which includes the appeal site. The supporting text to policy SS 2 explains this is a principal element contributing to the rural character of North Norfolk and one which should be protected. In these locations policy SS 2 therefore seeks to limit development to uses which require a rural location.
11. Policy SS 3 sets out housing allocations for identified settlements and explains that allocations will be made through the SADPD. The policy anticipates that 700 dwellings will be provided in Holt in the 20 year period to 2021 which is considerably lower than the provision in other principal settlements. Policy SS 9 specifically refers to Holt. This clarifies that 250 – 300 of the town's housing

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<sup>1</sup> Also referred to as the Site Specific Development Plan Document

<sup>2</sup> North Norfolk Local Development Framework – Core Strategy incorporating Development Control Policies

<sup>3</sup> North Norfolk Site Allocations Development Plan Document

target will be provided on greenfield sites which should be well integrated with the built-up area and minimise the impact on the countryside.

12. Policy CT 2 clarifies that improvements which are required to infrastructure, services and facilities in order to make development acceptable will be sought by means of planning conditions or obligations.

#### *Development plan issues*

13. Legislation requires that applications should be determined in accordance with the development plan<sup>4</sup>, unless material considerations indicate otherwise. The requirement is repeated in paragraph 11 of the National Planning Policy Framework (NPPF).
14. The weight to be attached to relevant policies in the CS was a matter debated at the inquiry. It was not disputed that the appeal site is outside the settlement boundary to Holt. Therefore the proposal would conflict with the objectives of policy SS 2 for land in the countryside and not accord with policies SS 1, SS 3 or SS 9.
15. In setting out the location and amount of growth the Council intends to provide in key settlements and limiting development elsewhere, the objectives of these policies are broadly consistent with the core planning principles of the NPPF. However, the degree to which they are fully compliant is crucial to the weight which can be accorded to them. I have therefore had regard to various legal judgements, particularly in relation to housing land supply, in considering the merits of the proposal<sup>5</sup>.

#### *Housing land requirements*

16. The context for identifying future housing requirements is set out in paragraph 47 of the NPPF which says local plans should meet the full, objectively assessed market and affordable housing needs for their housing market areas (HMA), subject to compliance with other policy provisions. Local planning authorities are required to identify and update annually a supply of deliverable sites capable of providing five years worth of housing against their overall requirements. Paragraph 49 goes on to explain that housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if a five year supply cannot be demonstrated.
17. The Council accepted the housing target in the CS was not equivalent to an objective assessment of housing need (OAN) required by the NPPF. In the absence of an up-to-date OAN it sought to rely on its adopted CS. The CS identifies housing needs up to 2021 but these were based on assessments made in the Regional Spatial Strategy for the East of England (RSS) which predates the NPPF.
18. The Inspector who examined the SADPD in 2010 invited comments on the implications of the Government's decision to revoke the RSS. Other than those from the Council, none were forthcoming. As no alternative housing position

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<sup>4</sup> The Town and Country Planning Act 1990, s70(2) & the Planning and Compulsory Purchase Act 2004, s38(6)

<sup>5</sup> For example, *Huston Properties Ltd. v SSCLG* [2013] EWCA Civ 1610; *Solihull MBC v Gallagher Homes Ltd and Lioncourt Homes Ltd* [2014] EWHC 1283 (Admin); *South Northamptonshire Council v SSCLG & Barwood* [2014] EWHC 573 (Admin); *Wynn-Williams v SSCLG* [2014] EWHC 3374 (Admin); *Zurich Assurance Ltd v Winchester City Council & South Downs National Park Authority* [2014] EWHC 758 (Admin)

was put forward he accepted the RSS figure remained appropriate for housing supply purposes.

19. Circumstances have changed in the intervening years and, as other inspectors have pointed out<sup>6</sup>, the current approach to determine housing provision differs substantially from the previous one. Furthermore, RSS targets were founded upon a constrained supply, the evidence on which it relied is dated; it predates more recent population and household projections and it takes no account of the economic recession.
20. I therefore consider it is inappropriate to give weight to the housing target of the CS (400 dwellings per annum [dpa]) in relation to the current appeal. However, it does provide a reference point in gauging how effective the Council has been in ensuring sufficient housing has come forward.

*Objectively assessed need*

21. The absence of an OAN means there is no agreed basis for assessing the five year housing position. The Council is working on a replacement plan and as part of its preparatory work is cooperating with four other authorities in producing a Strategic Housing Market Assessment (SHMA). A preliminary draft of the findings produced by Opinion Research Services (ORS) was made available to the inquiry<sup>7</sup>. An alternative assessment was undertaken by GVA Grimley (GVA) on behalf of the appellant<sup>8</sup>.
22. Both studies are broadly consistent with the approach set out in Planning Policy Guidance (PPG) and take the latest population and housing projections as their starting point. Adjustments have been made to take account of local factors (market signals) such as house prices and affordability and employment trends have been modelled to understand how these may influence housing needs. Affordable housing requirements have also been considered in arriving at a final figure.
23. Neither assessment has been subject to independent review and examination and it is not for me to examine in detail the underlying factors which influence housing needs. Consequently, it would be unwise to give unqualified weight to either document, especially as the PPG acknowledges that forecasting is not 'an exact science'. Having made this clear, I am nevertheless mindful that the two studies represent the best available and most recent evidence on this matter.
24. The parties agreed that their independent assessments for the Central Norfolk HMA produced similar outcomes. The Council's conclusion was that housing needs amounted to 3,167 dpa for the HMA, whereas the appellant's figure was 3,026. The latter acknowledges that these would represent a significant boost over past completion rates. When estimates of housing needs in the HMA are applied to North Norfolk, however, a substantial difference emerges between the two assessments. The main reason for this is the way in which future employment levels have been calculated.
25. Forecasts used in the ORS report are derived from a model developed by Oxford Economic for authorities in the East of England<sup>9</sup>. The most recent

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<sup>6</sup> See for instance, APP/XO360/2209286 & APP/F1610/A/14/2213318

<sup>7</sup> Draft Central Norfolk Strategic Housing Market Assessment 2015: Opinion Research Services, 29 May 2015

<sup>8</sup> Statement pertaining to the objective assessment of housing needs: GVA Grimley Ltd, June 2015

<sup>9</sup> East of England Forecasting Model (EEFM)

figures published by EEFM in January 2015 suggest an extra 2,000 jobs will be created each year (2011 – 2031) in the HMA. Having regard to various factors including employment levels and commuting flows, ORS calculate that a 20% increase above demographic trends for the HMA will be required in the period between 2012 and 2036.

26. The picture is complicated by a 'City Deal' agreed by the three Councils within the 'Greater Norwich' part of the HMA<sup>10</sup>, the intention being to provide a significant boost in the number of jobs created in these areas. The ORS report acknowledges that an increase in the number of workers will be needed in the HMA so that workers and jobs balance. It suggests this requires a higher level of net inward migration to provide a larger workforce but allocates this to the Greater Norwich area in recognition of the City Deal. The implication is that more housing will be required in this part of the HMA than in Breckland or North Norfolk.
27. The GVA analysis uses modelling provided by Experian and Oxford Economics (EEFM) to produce what was referred to as a 'blended' rate<sup>11</sup>. Experian forecast that growth in the HMA will average 0.99% over the period to 2031 in comparison to the EEFM figure of 0.54%. An average of 0.76% (the mean growth rate of the two forecasts) was proposed as a reliable growth rate because it would be consistent with past rates for the HMA. This equates to employment growth averaging 0.53% in North Norfolk. Using this as the basis for assessing growth results in an annual housing requirement of 497 dpa in North Norfolk.
28. I have reservations with both assessments although I find the analysis in the draft SHMA (ORS report) to be more convincing. In particular, GVA apply the results for the HMA to North Norfolk with relatively little acknowledgement of local factors. The Council, for instance, claims the appellant's figures do not reflect the difficulties it has faced in attracting jobs and says 400 jobs have been lost since 2001. In addition, it is unclear whether the implications of the City Deal have been taken into account and how a substantial boost in jobs in the Greater Norwich area will affect housing needs in more rural parts of the HMA.
29. Nevertheless, as ORS admit, forecasting economic activity rates is complex and depends on many factors including structural changes in the labour market. In this respect, I am concerned that the ORS forecasts for employment growth in North Norfolk may prove to be pessimistic. I am also conscious of the appellant's warning that insufficient housing will impede economic growth. The GVA study showed an additional 206 jobs being created annually in North Norfolk (between 2013 and 2031) in comparison to which, I was told, the Council's figure is 91. Whether an improving economy would require more than the modest level the Council regards as realistic will be for others to determine. Until such time as these matters are tested through a development plan examination, I can only rely on the evidence before me.

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<sup>10</sup> Norwich, Broadland and South Norfolk Councils

<sup>11</sup> Popgroup and Derived Forecasting

*Five year housing land position*

30. Two areas separate the parties on housing land requirements, the choice of base date and the relevant 'buffer' to be applied having regard to paragraph 47 of the NPPF.
31. In view of my conclusions in relation to the housing target in the Council's adopted plans (400 dpa) and the work undertaken to determine an OAN, I consider the ORS figure of 420 dpa represents the best available albeit minimum level of annual provision which should be used when assessing the current housing position. ORS takes the 2012 population estimates as its starting point which the Council says represents the most appropriate base date for calculating the housing requirement. In contrast, the appellant has used 2011. The choice of base date is not one which, in my opinion, makes a significant difference to the land supply calculations.
32. Completion rates show there have been considerable variations in the number of dwellings built each year. The Council explained that this was partly due to the absence of land allocations prior to the adoption of the SADPD in 2011. Completions at the CS rate have exceeded or been close to the annual requirement on several occasions over the last decade but numbers have fallen short more often so that the cumulative deficit has grown. Given the importance the Government attaches to boosting the supply of housing, I consider a 20% buffer would increase the likelihood that sufficient land is available to meet future housing targets.
33. As a result I consider the Council's five year requirement as at 1<sup>st</sup> April 2015 amounts to 2,678 dwellings (536 dpa) based on an annual need for 420 units, a shortfall since 2012 of 132 and applying a 20% buffer. If the appellant's choice of base date was used (2011) a total of 2,778 units would be required (556 dpa).
34. The participants confirmed the number of dwellings from windfall sources was their only area of disagreement on housing supply. For its part, the Council has attempted to identify specific windfall sources rather than apply a discounted rate based on past performance. To my mind this is a better approach because the inclusion of large unallocated sites as windfalls will distort yearly averages.
35. Small-scale projects in settlements are seen as the main source of future windfalls with more modest contributions coming from rural conversions, exception sites and from those which do not require planning permission. In recognition that the contribution from these sources may diminish the Council has discounted the supply in settlements by 50% from recent rates of delivery and reductions have also been made to the numbers anticipated in the other categories.
36. The appellant contends that it is unreasonable to include windfall contributions for a full five year period because it is very unlikely that completions will occur soon after the start. I agree because time is taken up obtaining planning permission and constructing a building. Even so, discounting close to the equivalent of two of the five years of windfall supply is excessive especially as the Council has adopted a conservative stance on windfall numbers. For this reason, I consider that discounting a single year would be a reasonable and precautionary approach.

37. I therefore consider a total of 2,887 (the Council's estimate of 3,022 discounted by one year's supply of windfalls [135]) represents the housing supply position at 1<sup>st</sup> April 2015. The Council is therefore able to demonstrate it has a 5.4 year land supply based on an annual requirement for 420 dwellings, a shortfall of 132 units (from 2012) and applying a 20% buffer. Taking 2011 as the base date, a supply of 5.2 years is available; using the appellant's supply estimate of 2,782, the 2011 base date and 20% buffer it is still possible for the Council to demonstrate a 5 year supply exists.

#### *Conclusions on housing supply*

38. I find that the Council's development plan does not accord with objectives in the NPPF to meet the full objectively assessed needs for housing and, in this respect, it is out-of-date. Work to complete an OAN has yet to be finalised and relies upon a draft SHMA which has not been tested. In the context of a s78 inquiry it is not possible to establish a reliable figure but, on balance, I find the draft SHMA and OAN findings produced on behalf of the Council provides the best available evidence for estimating future housing needs and are preferable to those submitted by the appellant. I therefore consider the Council is able to demonstrate it has a five year housing land supply.

#### *Education*

39. Norfolk County Council is the Local Education Authority (LEA) for the area and contends that there is insufficient capacity at Holt Primary School to accommodate new pupils once children from other approved developments are provided for. The school is physically split between two areas of approximately the same size. These are separated by a roundabout but connected by a pedestrian underpass beneath the road junction. The school buildings are located immediately to the north-west of the junction between Norwich Road, the A148 and the B1110. Diagonally opposite the school, to the south-east of the junction, is the school playing field.

40. The LEA says its analysis shows there is a deficiency in places but this is not an issue because some children in the catchment go to other schools. It calculates that planned housing growth and windfall schemes mean a further 118 pupils of primary school age will require places. It is therefore considering changing the school from one form entry (FE) to 1.5FE. Capacity would then increase from 210 to 315 places but require up to four further single storey classrooms.

41. The proposed development is likely to generate 44 primary age schoolchildren, according to the LEA. These could not be accommodated because it claims expansion beyond a 1.5FE is not possible. Instead pupils would be offered places at the next nearest schools, raising safety concerns, adding to transport costs and encouraging unsustainable travel.

42. The appellant questioned the predictions of pupil numbers suggesting that these had been over-estimated because they made no allowance for parental choice. Applying current trends in school choices would reduce potential numbers from anticipated development in the area from 162 to 109. This might reduce demand in Holt but there is no information to show how other schools might be affected. The LEA says it is likely that financial contributions from the developer would be used to increase the capacity of other schools. In

- my view this would be undesirable because it would consolidate unsustainable patterns of school commuting.
43. The accuracy of the LEA's forecasting may be questioned but I consider there is a compelling case for increasing school capacity to minimise the need to travel to other schools. To accomplish this would require a minimum 2FE primary school in Holt but the LEA claims the present school is too constrained for this purpose.
  44. There was some debate on this matter because the site area exceeds the minimum building requirements for a 2FE school<sup>12</sup>. The BB103 acknowledges it was generally written to apply to new buildings but that the principles apply to all types of mainstream schools. However, it appears to make few concessions for existing configurations. In this case, many of the buildings are old, space is limited and the layout is not readily conducive to further expansion.
  45. The number of extra classrooms needed for a 2FE entry school was a further source of disagreement. Having visited the site, it appears likely it would be necessary to compromise playgrounds or circulatory routes unless two storey development was considered acceptable.
  46. The LEA's preference is to examine future needs in Holt in tandem with the District Council's local plan review as this would provide a better basis for a long term education strategy. Nevertheless, as it acknowledged it has a statutory duty to provide school places and accepted it would have to work within existing constraints to provide places should the appeal be allowed. Furthermore it confirmed it had commissioned a study into future options for Holt, including the provision of a new school<sup>13</sup>.
  47. Based on areas alone, the study accepts the school site would be capable of accommodating a 2FE school if the playing field were included in the calculation. However, it notes that this would conflict with the County Council's desire to move away from split school provision while expansion would make it difficult to comply with parking standards and address access and drainage issues.
  48. The LEA stressed that it rarely contested development proposals at inquiry and I do not doubt that it has serious concerns in this case. I appreciate the difficulties involved in school expansion but I am not convinced that additional children would create a short term issue which the LEA would be unable to resolve.
  49. I also understand its desire to align future education provision in Holt with proposals in the District Council's LP review but it seems to me that this risks putting off crucial decisions when the evidence points to pupil numbers exceeding 2FE capacity within a few years. How this is dealt with is a matter for the LEA but in my view it increases the likelihood that a new school would be the most sensible and cost effective means of meeting any future increase in pupil numbers.
  50. I queried the appellant as to the likely date of first completions should the development proceed. These, it was suggested, would begin from late 2017 onwards. I regard this as optimistic because of the time needed to secure

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<sup>12</sup> Area guidelines for mainstream schools. Building Bulletin 103 (BB103), June 2014

<sup>13</sup> NPS Property Consultants Ltd – Site Assessment, Holt Primary School, Norwich Road, Holt, June 2015

reserved matter approval and undertake the sale of the site. I am not convinced the development would add significant numbers of pupils until 2018/19. The lead-in time therefore provides an opportunity for the LEA to consider its future education strategy for Holt while also having regard to planned development coming through the LP review.

51. I therefore find a potential shortage of school places is not a reason for refusing the appeal.

### *Sustainability*

52. As a Principal Settlement, Holt was recognised in the CS as a sustainable settlement, albeit one which was associated with the 'cluster' role it shares with Sheringham and Cromer. However, the presumption in favour of sustainable development, which is at the heart of the NPPF, means that the Council's ability to demonstrate that it has a five year housing land supply is not sufficient reason alone for rejecting the proposed development. The appellant's position is supported in this regard because policy SS 3 acknowledges that the housing provision for the District represents a minimum figure, a point confirmed by the Council at the inquiry.
53. Nevertheless, as paragraphs 7 and 8 of the NPPF make clear, sustainability has economic, social and environmental dimensions which collectively contribute to sustainable development irrespective of whether or not a proposal would be in a sustainable location.
54. The proposal would be beneficial in helping to increase the available supply of housing land in the District and assisting in the further provision of both market and affordable dwellings. In doing so, it would accord with economic dimensions to ensure land is available to support growth. However, the proposal would extend development into the countryside to the south of the town. The Council accepted that this would have no discernible impact on the landscape because the site is screened by existing buildings and the wooded area of Holt Country Park.
55. Even so, the openness of the site can be readily appreciated from the residential area to the north where it provides a buffer to the wooded land beyond. This would be lost were development to take place. In my view, this would not contribute to the environmental dimension of protecting and enhancing the natural environment or one of the core planning principles of the NPPF to recognise the intrinsic character of the countryside. The proposal would also be contrary to the objective of policy SS 2 which seeks to maintain the rural character of North Norfolk for the benefit of its residents and visitors.
56. Furthermore, I consider there is some tension between the social benefits of extra housing and the ability of the town to support the health, social and cultural well-being of its inhabitants required in the NPPF. Holt has a busy and vibrant centre with a large number of shops and businesses but the majority focus on tourist interests and only a relatively small number provide basic services. I was told that facilities are likely to improve as planning permission has been granted for a small supermarket. Nevertheless, Holt's limitations as a service centre means residents are obliged to travel elsewhere for services such as secondary schools or significant medical facilities.

57. In my assessment of sustainability I have also taken into account the complementary role of Holt, as set out in the CS, which distinguishes it from the major role envisaged for other Principal Settlements. The Council says that the town's lesser role is recognised in policies SS 3 and SS 9 of the CS and reflects its 'small market town' character, a point made by the inspector who examined the CS and found its designation as a Principal Settlement was not 'overwhelmingly strong'<sup>14</sup>. Consequently, only limited housing growth, similar to that of Sheringham, a Secondary Settlement, was proposed.
58. Greenfield sites to the west of Woodfield Road (H01) and at Heath Farm/Hempstead Road (H09) were allocated in the SADPD. These sites are available to meet local housing needs and relate well to the built-up area of the town so that development would be contained within the existing northern (H01) and eastern (H09) limits of the settlement, unlike the proposed development which would intrude into the countryside to the south of the town.
59. I therefore accept that while there would be some benefits of the development, the environmental and social harm I have found is such that the proposal would not represent sustainable development in the terms set out in paragraph 7 of the NPPF. Taking into account the five year housing land supply position, I do not consider these adverse impacts would significantly and demonstrably outweigh the benefits I have identified. Consequently, I find there is insufficient justification for allowing development which would not accord with relevant policies and principles in the CS or with sustainability objectives of the NPPF.

#### *Protected habitats*

60. The appeal site is approximately 7 km. from an area of European importance for habitats and wildlife on the North Norfolk coast<sup>15</sup> (NNC). The Norfolk Valley Fens SAC/Holt Lowes SSSI (HL) is a further designated area within 500m of the site. As a result, there is a possibility that the proposed development could have indirect effects upon the qualifying features of the designated sites.
61. The appellant commissioned a Habitats Regulation Assessment (HRA) in accordance with the Conservation of Habitats and Species Regulations 2010. The HRA found the proposed development could give rise to increased visitor numbers to the NNC. The same conclusion had been reached when an assessment was undertaken of site specific proposals in the Council's SADPD.
62. Housing on the appeal site is considered likely to have an additional cumulative effect on the NNC because it has the potential to add to the number of visitors who could disturb its habitats and bird populations. Nevertheless, the previous study for the SADPD concluded that any likely significant effect on the NNC could be mitigated by a monitoring and mitigation strategy supported through financial contributions from relevant developments (£50 per dwelling).
63. The area of HL differs because local residents are the main source of disturbance. The proximity of the appeal site increases the likelihood of adverse effects although the HRA concluded that the residual impact of the development could be negated. This could be achieved by including an area of greenspace as part of the development and introducing measures to divert

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<sup>14</sup> Report on Examination into the North Norfolk Core Strategy, July 2008 (paragraph 5.11)

<sup>15</sup> The North Norfolk Coast Special Protection Area (SPA), Special Area of Conservation (SAC), Site of Special Scientific Interest (SSSI) and also listed as a Ramsar site

- pressure on the adjacent HL by encouraging visitors to remain within Holt Country Park.
64. The District Council accepted the HRA and Natural England agreed with the findings. However, a recent judgement of the Supreme Court<sup>16</sup> has raised concerns about the appropriate process to be followed by decision makers in order to comply with the relevant legislation. Even so, the judgement does not alter my role as the competent authority and I am required to decide whether or not the development would be likely to have significant adverse effects which would require appropriate assessment.
65. The evidence suggests the NNC is likely to be frequented by more visitors than the less accessible area of the HL. Previous work found that a mitigation and monitoring strategy would avoid significant adverse effects from allocations in the Council's SADPD. I am satisfied the same strategy remains an appropriate means of mitigating adverse effects which might otherwise result from the development of the appeal site, a conclusion which was reached in the appellant's assessment and endorsed by Natural England.
66. In the case of HL the likelihood of significant adverse effects are less obvious but a precautionary stance is advocated. Providing greenspace on the appeal site and using financial contributions to help maintain paths in Holt Country Park would divert pressure off HL. The proposed mitigation measures are therefore capable of avoiding significant adverse effects to qualifying features within the vicinity of the appeal site.
67. In coming to this conclusion, I have had regard to the implications of the Supreme Court judgement in the application of paragraph 119 of the NPPF. Having concluded that mitigation measures mean that significant effects are not likely, then Appropriate Assessment is not required and paragraph 119 does not apply.

#### *Other matters*

68. The Council sought to argue that allowing the development could prejudice delivery of the mixed use allocation at Hempstead Road (policy HO9 of the SADPD). I was told a number of matters need to be resolved before development on this site could commence but there is no evidence to show other sites would hinder its development. I am not persuaded it is a sound reason for rejecting the proposed development.
69. In opposing the development local residents, Holt Town Council and CPRE Norfolk<sup>17</sup> had a number of concerns. These included housing provision, school capacity and Holt's role as a sustainable settlement. I have addressed these matters previously. Other issues such as access, congestion and road safety were cited including the loss of agricultural land and wildlife habitat as well as the impact of the development on the town's infrastructure. The proximity of the proposed development to Holt Country Park was also seen by some as a potential fire risk.
70. A variety of assessments were undertaken by the appellant in support of the proposal. These show than many of the issues raised by objectors had been or were capable of being addressed as part of a reserved matters application.

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<sup>16</sup> R (Champion) v North Norfolk District Council [2015] UKSC 52

<sup>17</sup> Council for the Protection of Rural England

Neither the Council nor statutory consultees raised objections providing that, where necessary, appropriate conditions were attached to the grant of outline planning permission. Having reviewed this documentation, I can find no justification for refusing the application for any of these reasons.

### *Conclusions*

71. The NPPF emphasises the importance the Government attaches to boosting significantly the supply of housing and the presumption which exists in favour of sustainable development. In this context, the proposal would increase the amount of housing land available in the District and assist in the further provision of both market and affordable dwellings. Nevertheless, I am not convinced it would accord with the social or environmental role attributed to sustainable development as set out in paragraph 7 of the NPPF and similar objectives in the CS which are consistent with it.
72. The CS is dated and I accept its housing targets do not reflect NPPF requirements to meet needs which have been identified in an OAN. However, I have found that the emerging evidence suggests sufficient housing land is available to satisfy an updated five year housing land requirement based on the initial findings of the draft SHMA (OAN).
73. In these circumstances, I find there is not a compelling case requiring additional land to be identified in the District while two significant allocations are capable of meeting local housing needs in Holt. In addition, the development would be contrary to the aims of policy SS 2 to limit development in the countryside.
74. I do not consider the concerns of the LEA are sufficient reason for dismissing the appeal and I have reached a similar conclusion regarding the matters raised by local residents and organisations. However, for the reasons given above and having regard to all other matters, I conclude that the appeal should not succeed.

*P R Crysell*

INSPECTOR

## APPEARANCES

### FOR THE LOCAL PLANNING AUTHORITY:

Ms Estelle Dehon, of counsel She called	Instructed by Noel Doran, Solicitor, Eastlaw
Mr S Faulkner BA (Hons) MSc DipTP MRTPI	Principal Planner, Norfolk County Council
Ms J Blackwell	Place Planning Manager (Children's Services) Norfolk County Council
Mr M Ashwell MRTPI	Planning Policy Manager, North Norfolk District Council
Mr J Williams DipTP MRTPI	Team Leader (Major Projects), North Norfolk District Council

### FOR THE APPELLANT:

Mr Richard Kimblin He called	Instructed by John MacKenzie, Gladman Developments Ltd.
Mr J Powell BSc LLB	Operations Director, EPDS Consultants Ltd
Mr T Baker BA (Hons) MA	Associate, GVA
Mr J MacKenzie BSc DipTP MRTPI	Planning & Development Manager, Gladman Developments Ltd.

### INTERESTED PERSONS:

Cllr M Prior	Ward Councillor and School Governor speaking on behalf of Holt Primary School and local residents
Ms N Freni	Local resident
Ms A Phillips-Wright	Local resident
Mr J Loughlin	Local resident
Mr C Greenwood	Local resident

## **DOCUMENTS SUBMITTED DURING THE INQUIRY**

- 1 Appearances on behalf of the Appellant
- 2 Appearances on behalf of North Norfolk District Council
- 3 Opening Statement by the Council
- 4 Opening Statement by the Appellant
- 5 Statement by Nicolle Freni
- 6 Qualifications and Experience of Mr S Faulkner and Ms J Blackwell
- 7 NPS Property Consultants Ltd, Site Assessment, Holt Primary School (CD 8.2.2)
- 8 Extract from Holt Conservation Area, Character appraisal & management proposals
- 9 Norfolk County Council statement on Schools' capital funding (CD 8.23)
- 10 E-mail from Mineral Planning Authority relating to mineral condition
- 11 Copy of Draft S106 Agreement
- 12 Copy of Draft conditions
- 13 Copy of High Court judgement in Wynn-Williams v SoS CLG [2014] EWHC 3374 (Admin) (CD 10.17)
- 14 Copy of High Court judgement in Zurich Assurance Ltd v Winchester City Council & South Downs National Park Authority [2014] EWHC 758 (Admin) (CD 10.19)
- 15 Extract from Planning Practice Guidance, Chapter 2a – Housing and economic development needs assessments
- 16 Appellants transcript extract of evidence given by Mr Ashwell on OAN
- 17 Completed S106 Agreement
- 18 Supreme Court judgement in Champion v North Norfolk District Council [2015] UKSC52 (CD10.18)
- 19 Revised Draft Conditions
- 20 Statement clarifying position in relation to housing completions and commitments
- 21 Closing Statement on behalf of North Norfolk District Council
- 22 Closing Statement on behalf of the Appellant