
Appeal Decision

Site visit made on 3 October 2016

by Graham Chamberlain BA (Hons) MSc MRTPI

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

Decision date: 7th October 2016

Appeal Ref: APP/L2630/W/16/3154288

**Adjacent Brownes Croft Barn, Bramerton Road, Surlingham, Norfolk
NR14 7DE**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr N Gooch against the decision of South Norfolk District Council.
 - The application Ref 2016/0463, dated 25 February 2016, was refused by notice dated 22 April 2016.
 - The development proposed is a residential development of 2 new dwellings.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The application was submitted in outline with matters of appearance and landscaping reserved for future consideration. The access, layout and scale of the proposed development are matters for which approval is being sought and I have determined the appeal accordingly.

Main Issues

3. The main issues in this appeal are:
 - Whether the proposed development would constitute a suitable site for housing having regard to local and national policy; and
 - The effect of the proposed development on the character and appearance of the area including the setting of Manor Farm, a Grade II listed building; and biodiversity, with particular reference to protected species.

Reasons

Whether the proposed development would constitute a suitable site for housing

4. To assist in protecting the countryside and the vitality of rural communities Policy 17 of JCS¹ and Policy DM1.1 and DM1.3 of the DMP² require most new housing to be located within defined settlement boundaries and/or site allocations. The site is located in neither and in this respect I find that the

¹ The Joint Core Strategy for Norwich, Broadland and South Norfolk 2011 amended 2014

² The South Norfolk Local Plan, Development Management Policies Document 2015 (DMP)

proposal would undermine the planned strategy for housing land supply, and the protection of the countryside, contained in the Development Plan.

5. However, the Council has confirmed that it cannot currently demonstrate a five year housing land supply as required by the National Planning Policy Framework (the Framework). As a consequence, the policies relating to the supply of housing in the development plan are out of date, including the settlement boundaries. Paragraph 14 of the Framework indicates that in such circumstances planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole. I have determined this appeal accordingly.
6. Paragraph 55 of the Framework specifically addresses the provision of housing in rural areas. It states that housing should be located where it will enhance and maintain the vitality of rural communities by avoiding isolated homes in the countryside unless there are special circumstances. The Framework does not define or limit the meaning of 'isolated'. In my experience, and having regard to the aims of the Framework, there are two main aspects to be assessed when considering 'isolation', these being the site's physical relationship with a settlement and built development along with its functional connectivity to services and facilities.
7. To the north of the appeal site there is a small cluster of development set around the church and the Church Lane/Bramerton Road junction. However, the appeal site adjoins farmland to the south and east and is situated opposite a small wooded area. There is also a significant undeveloped gap between the appeal scheme and the nearest house to the west. As a result, the proposed development would not be within or abutting a continuous built up frontage. In this respect it would not appear as a natural extension of built development. Therefore, it would be a discordant incursion into the countryside and the undeveloped area between the core of the village to the east and the cluster of housing around the church to the west.
8. Although there is sporadic development in the vicinity of the appeal site along Bramerton Road and Walnut Hill, I nevertheless consider the proposed development would appear physically isolated and thus a harmful encroachment into the countryside. This would undermine the Framework's aim of recognising the intrinsic character and beauty of the countryside.
9. In terms of connectivity to services, Surlingham is a defined 'service village' and is thus, by definition, one of the better served rural settlements in the district. The appellant has directed me to a number of everyday local services available in the village, including a primary school, shop and garage. Some of these facilities would be a short walk from the appeal site. However, such a walk would be along a bending road that is without pavements. This is likely to deter some future residents from walking into the village centre, especially vulnerable pedestrians such as parents with young children and those with mobility, aural or visual impairments.
10. Consequently, whilst there are services available in the village I am not satisfied there is adequate connectivity between the appeal site and these services. The use of the internet for shopping would not mitigate for this limitation. As such, I find that the proposed development would be a

functionally isolated development in the countryside due to its limited connectivity to everyday services and facilities.

11. This functional isolation would result in harm when considering the social and environmental dimensions of sustainable development. It would leave future occupants of the proposed dwelling largely reliant on private vehicles with limited travel choices. It would also undermine the Framework's aim of locating new dwellings in rural areas close to services and facilities as a means of reducing unnecessary travel by car, with its associated carbon emissions, as one measure to cumulatively limit the effects of climate change.
12. In considering any special circumstances that would justify the isolated location of the appeal scheme, I do not have substantive evidence before me to suggest that the examples of special circumstances listed in Paragraph 55 of the Framework are met.
13. I therefore conclude that as isolated dwellings outside of a defined settlement boundary the appeal proposal presents a conflict with the development plan. More significantly in this case, the development is contrary to the Framework (Paragraphs 17 and 55 in particular), which seeks to protect the countryside and deliver development that minimises the above adverse impacts by siting development in locations that maximise opportunities for future residents to live in a sustainable way. I attach this harm, and conflict with national policy, significant weight.

The effect on character and appearance including the setting of a listed building

14. The appeal site is located west of the village core of Surlingham. The village radiates out along the Green, Mill Road and Walnut Hill. The ribbon development along Walnut Hill punctuates at the sharp bend in the road at the junction with Pratts Hill and Bramerton Road where the character changes to a more open and undeveloped rural environment. There is a slight dip in the land levels at this point and a picturesque view towards Manor Farmhouse, a historic grouping of Grade II listed buildings.
15. Although remodelled, the farmhouse appears to be an impressive example of the local vernacular and building traditions. It is therefore intrinsically born out of the rural landscape in which it sits, making the rural context in which it is viewed and experienced important to its setting. The view from Walnut Hill towards Manor Farmhouse, and the undeveloped area between the church and Surlingham, is important to both the setting of Manor Farmhouse and the character and appearance of the local landscape. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires me to have special regard to the desirability of preserving the setting of Manor Farmhouse.
16. The appeal scheme is for two houses that would be sited on slightly higher ground than Manor Farmhouse and would be prominent in views from Walnut Hill. When looking east from Walnut Hill the view would be of Manor Farmhouse and the two dwellings, the development around the church further west being obscured by trees. The dwellings would therefore be a dominant and discordant intrusion into the picturesque scene created by Manor Farmhouse and the shallow valley in which it is located. It would also erode the undeveloped gap between the village core and the development around the Church. The proposed dwellings would thus harm both the setting of the listed building and the character and appearance of the landscape.

17. In reaching this view I have considered whether a landscaping scheme would mitigate for the harmful impacts I have identified. However, landscaping would take time to mature and could not be relied on in the long term to screen the development as it could be replaced, die or fail. As such, I am not satisfied that landscaping would be adequate mitigation.
18. The listed building itself would remain unaltered and therefore the overall harm to its significance would be less than substantial. In accordance with Paragraph 134 of the Framework I have considered the potential public benefits of the scheme, such as the provision of two dwellings. But given the limited scale of the development these benefits would be modest and would not outweigh the harm I have identified to the setting of the listed building, to which I given great weight. I therefore find a conflict with Paragraph 132 of the Framework as the harm would not have a clear and convincing justification.
19. I therefore conclude that the proposal would significantly harm the character and appearance of the area including the setting of a listed building. This would be contrary to Policies 1 and 2 of the JCS and Policies DM1.3, DM1.4, DM3.8 and DM4.10 of the DMP. These policies seek to secure high quality design that safeguards local distinctiveness by being respectful of local character and landscape and the setting of listed buildings. In this respect, the proposal is contrary to Section 12 and Paragraph 58 of the Framework.

The effect on protected species – Great Crested Newts

20. During the Council's consideration of the planning application, its Ecologist confirmed that the site appears to have few ecological constraints. Nevertheless, the site is located close to a large water body, which is also covered by a number of national and international designations. As such, the Ecologist suggested there is a reasonable likelihood of Great Crested Newts being present within the appeal site and therefore a survey should be undertaken to ascertain whether or not this is the case. There is no substantive evidence before me that leads me to question the Ecologist's conclusion.
21. The appellant has not provided a survey because he considers it could be secured through a planning condition in the event the appeal was allowed. I disagree. In my view, and following a precautionary approach, it is necessary to identify the presence or otherwise of protected species before granting planning permission so that any impacts and potential mitigation can be identified and fully understood. The absence of an assessment is therefore a significant omission. Without it, there is an unacceptable risk that the proposal could harm Great Crested Newts. As such, I cannot be certain the development would safeguard protected species and thus biodiversity.
22. I therefore conclude that the proposal would be contrary to the aims of Paragraph 118 of the Framework, which seeks to conserve and enhance biodiversity. The proposal would also be contrary to Circular 06/2005 - Biodiversity and Geological Conservation, which states that ecological surveys should only be left to a planning condition in exceptional circumstances, which do not apply in this case.

Conclusion

23. In considering the potential benefits of the proposal, the new dwellings would contribute to the Council's five year housing land supply as required by

Paragraph 47 of the Framework. A net increase of two dwellings would however, be a small contribution. I therefore give this benefit only moderate weight.

24. In addition, the construction of the dwellings would derive some economic benefits but this would be for a limited time and could apply to new development anywhere. Furthermore, given the small scale of the development the contribution to the local economy from the spending power of future occupants is unlikely to be significant. In any event, such a contribution could be made by the occupants of dwellings constructed in a more appropriate location. I therefore give these benefits limited weight.
25. I have considered the benefits which would be derived from the appeal scheme but these carry only moderate weight overall. The proposed development would however be in an isolated location, with the significant and inherent harm this would bring. It would also significantly harm the character and appearance of the local landscape and the setting of a listed building and have a potentially harmful impact on biodiversity. These are harmful social and environmental impacts that would be contrary to the development plan and Framework. Overall, I therefore attribute significant weight to the harm and policy conflict I have identified.
26. I therefore conclude that the benefits of the proposal are significantly and demonstrably outweighed by the harm I have identified. I therefore find that when taken as a whole, the proposal is not sustainable development for which the Framework carries a presumption in favour. For the reasons given above, and having regard to all other matters raised, the appeal is dismissed.

Graham Chamberlain
INSPECTOR