

Appeal Decision

Site visit made on 18 October 2016

by Tom Gilbert-Wooldridge BA (Hons) MTP MRTPI IHBC

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

Decision date: 9th November 2016

Appeal Ref: APP/Y2620/W/16/3152281

28 Pineheath Road, High Kelling, Holt, Norfolk NR25 6QF

- 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 & Mrs John Gethin against the decision of North Norfolk District Council.
 - The application Ref PO/15/1532, dated 7 October 2015, was refused by notice dated 22 January 2016.
 - The development proposed is erection of two dwellings.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of two dwellings at 28 Pineheath Road, High Kelling, Holt, Norfolk NR25 6QF in accordance with the terms of the application, Ref PO/15/1532, dated 7 October 2015, subject to the following conditions:
 - 1) Details of the appearance (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development takes place and the development shall be carried out as approved.
 - 2) Application for approval of the reserved matters shall be made to the local planning authority not later than three years from the date of this permission.
 - 3) The development hereby permitted shall take place not later than two years from the date of approval of the last of the reserved matters to be approved.
 - 4) The development hereby permitted shall be carried out in accordance with the following approved plans: Drawing No 131183 GL-100 Rev C1 but only in respect of those matters not reserved for later approval.
 - 5) The development hereby permitted shall be carried out in accordance with the methodology contained within the Arboricultural Implications Assessment (prepared by Arbor Research Assoc dated September 2015).
 - 6) The development shall not commence until details (in the form of scaled plans and/or written specifications) of surface water drainage have been submitted to and approved in writing by the local planning authority.
 - 7) Prior to the first occupation of the development, any access gates, bollard, chain or other means of enclosure shall be hung to open inwards, set back, and thereafter retained a minimum distance of 5 metres from the near channel edge of the adjacent carriageway. Any side walls,
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fences and hedges adjacent to the access shall be splayed at an angle of 45 degrees from each of the outside gateposts to the front boundary of the site.

Procedural Matter

2. The planning application was in outline with appearance as the only reserved matter. I have had regard to all the plans and documents submitted with the appeal.

Main Issue

3. The main issue is whether the proposed development would provide a suitable site for housing having particular regard to the proximity of services and facilities.

Reasons

4. High Kelling is a small village located just to the north-east of the town of Holt. The village is predominantly focused between the A148 Cromer Road and Bridge Road, with a number of residential side streets. A smaller part of the village exists further to the west around Kelling Hospital, separated from the rest of the village by a break in built development. At my site visit, I noted a church, village hall and funeral directors in the main part of the village, while the smaller part of the village contains a post office, shop and tea room, as well as medical facilities associated with the hospital. Holt contains a range of services and facilities typical of a small rural town.
5. From early morning until early/mid-evening on Mondays to Saturdays, there are two to four buses an hour along the A148 between Holt and Sheringham, with an hourly service between similar times on Sundays. There are two sets of bus stops in the village; one near the hospital in the west and the other near the church in the east. The A148 is a busy road through the village despite the 30mph speed limit, but a pavement runs continuously along the north side.
6. High Kelling, including the appeal site, is outside any of the defined settlements in the adopted North Norfolk Core Strategy September 2008 ('the Core Strategy'). It is thus designated as countryside in Policy SS2 of the Core Strategy, which limits development to specific types and does not permit other types of development including market housing. The purposes of Policy SS2 are set out in paragraphs 2.4.12 and 2.4.13 to protect the quality and character of the countryside, to restrict new market housing to prevent dispersed dwellings that will lead to a dependency on travel by car to reach basic services and to ensure a more sustainable pattern of development.
7. The appeal site is located on the north-eastern corner of the village and backs onto open countryside. I concur with the Council and the appellant that the proposed dwellings would not be isolated as they would constitute infill development between the existing property and its neighbours. Furthermore, the scale and layout of the dwellings would be compatible with the surrounding area, with much of the existing mature vegetation within the site retained. It would not represent overdevelopment or set a precedent for the subdivision of plots given the unusually large grounds surrounding the existing dwelling within the appeal site. I am thus satisfied that there would be no adverse effect on the quality and character of the countryside, with details of the dwellings' appearance controlled through a reserved matter application.

8. The services and facilities within High Kelling are within walking distance of the appeal site with the post office/shop and hospital around 20 minutes' walk via the pavement along the A148. I accept that the range of services and facilities within the village are limited, requiring greater travelling distances to Holt and beyond for additional services such as schools and other shops. The centre of Holt is around an additional 20 minutes' walk from the post office, which reduces the likelihood of this transport mode being used regularly. The same journeys could be done by bicycle, although the busy nature of the A148 does not encourage on-road cycling.
9. However, the bus service allows access to the post office/shop and hospital as well as Holt and Sheringham. The appeal site is approximately a 5 minute walk to the nearest bus stop. For a countryside location, services are frequent throughout much of the week. Based on walking distances within the village and the frequency and proximity of the bus service, it would be possible to access a range of basic services without depending on the private car. This would reduce the level of harm to social and environmental considerations in terms of accessibility and travel patterns.
10. The appellant argues that Policy SS2 is a blanket policy restricting housing development in some rural settlements, which the Planning Practice Guidance (PPG) advises should be avoided unless it can be supported by robust evidence¹. In addition, the National Planning Policy Framework (NPPF) is more receptive to sustainable development in the countryside. Although I have not been presented with the evidence base underpinning Policy SS2, I consider that at face value Policy SS2 does not adhere to the advice in the PPG or reflect the approach of the NPPF as it categorically excludes types of development not mentioned in the policy including market housing. Therefore, in line with paragraph 215 of the NPPF, I consider the policy has reduced weight given the lack of consistency with the NPPF and should be regarded as being out of date for the purposes of this appeal.
11. Paragraph 14 of the NPPF states that where relevant policies are out of date, 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 NPPF taken as whole or specific policies in the NPPF indicate development should be restricted.
12. In terms of benefits, there would be some social and economic gains from the provision of two houses in terms of boosting housing supply and providing investment into the local economy from their construction and subsequent occupation. The benefits of development would be modest due to the small number of properties proposed, but are not inconsequential.
13. In terms of adverse impacts, I have already identified that there would be no harm to the character and appearance of the area. With regards to the proximity to services, the negative effects arising from private car use would be reduced by the feasibility of using a range of transport modes. Thus, the adverse impacts of development would be limited.
14. I am conscious that other appeal decisions for similar development in the countryside have come to different conclusions regarding the accessibility of

¹ Planning Practice Guidance Paragraph: 001 Reference ID: 50-001-20160519

the location to services and facilities. I do not know the full circumstances of each case and thus have determined this appeal on its own merits.

15. While the proposed development would not accord with Policy SS2 of the Core Strategy in terms of the types of development listed in the policy, this policy carries reduced weight for the reasons set out above and is out of date for the purposes of this appeal. In the context of paragraph 14 of the NPPF, the adverse impacts of the development would not significantly and demonstrably outweigh the benefits. Therefore, the presumption in favour of sustainable development applies which points towards the grant of planning permission. The proposed development would meet the aims of paragraph 55 of the NPPF which seeks to maintain the vitality of rural communities and avoid new isolated homes in the countryside. Concluding on the main issue, the proposal would provide a suitable site for housing and would represent sustainable development.

Other Matters

16. The Arboricultural Implications Assessment submitted with the appeal indicates that very few trees within the appeal site are unsuitable for retention. Within a site that contains a high number of trees, the loss of these few specimens would not harm the character and appearance of the area.

Conditions

17. For clarity and compliance, I have imposed standard conditions relating to the submission and timing of reserved matter applications and the commencement of development. I have clarified that the development should be carried out in accordance with the submitted drawing insofar as it relates to those matters not reserved for later approval. A condition concerning tree works is necessary and relevant to ensure that the character of the area is sustained.
18. The highway authority has requested a number of conditions relating to access, parking and surface water drainage. I do not consider it necessary to require details of parking provision or turning areas, as the submitted drawing shows adequate space for both new dwellings. Similarly, specifying the provision of vehicular and pedestrian access is not necessary as this is covered by the submitted drawing. It is also not necessary to require the closure of accesses and the reinstatement of verges as it does not appear that any closure or reinstatement is required. However, requesting details of surface water drainage is necessary as these details are not provided elsewhere, while specifying the boundary treatment for the access points is necessary in the interest of highway safety.

Conclusion

19. For the reasons set out above, and having had regard to all other matters raised, I conclude that the appeal should be allowed.

Tom Gilbert-Wooldridge

INSPECTOR