

Appeal Decision

Site visit made on 19 December 2016

by Graham Chamberlain BA (Hons) MSc MRTPI

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

Decision date: 23rd December 2016

Appeal Ref: APP/U2615/W/16/3157911

Woodside, Sandy Lane, Belton, Belton with Browston, Norfolk NR31 9LY

- 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 Peter Church against the decision of Great Yarmouth Borough Council.
 - The application Ref 06/16/0089/O, dated 9 February 2016, was refused by notice dated 7 April 2016.
 - The development proposed is to construct a three bedroom bungalow with a minimum of a double garage on land between Woodside and Hill Cottages with an initial area of 868 square metres.
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Decision

1. The appeal is allowed and planning permission is granted for the construction of a three bedroom bungalow with single/double garage at Woodside, Sandy Lane, Belton, Belton with Browston, Norfolk NR31 9LY, in accordance with the terms of the application, Ref: 06/16/0089/O, dated 9 February 2016, subject to the conditions in the attached schedule.

Preliminary Matters

2. The application form indicates that the planning application was submitted in outline with all matters reserved. However, a drawing has been provided detailing the size and layout of the dwelling proposed. This drawing is not marked as illustrative or indicative. Nevertheless, the submission overall lacks detail and is therefore consistent with the appellant's indication that the reserved matters are to be considered at a later date. I have determined the appeal accordingly.
3. In my formal decision I have taken the description of development from the decision notice, as the description on the application form was overly detailed for an outline planning application where all the matters have been reserved.

Main Issue

4. The main issue in this appeal is whether the proposed development would constitute a suitable site for housing having regard to local and national policies for rural housing.

Reasons

5. Policy CS1 of the Local Plan Core Strategy 2015 (CS) requires new development to be located where it contributes towards sustainable growth.
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Policy CS2 of the CS builds upon this and directs new development to defined settlements which are grouped following a settlement hierarchy. It is common ground between the appellant and the Council that the appeal site is not located within a defined Village Development Limit and is thus located in the countryside. Saved Policy HOU10 of the Great Yarmouth Borough Wide Local Plan 2001 (LP) states that new housing in the countryside will only be permitted if it is required in connection with agriculture, forestry organised recreation or the expansion of existing institutions.

6. As a new dwelling in the countryside unconnected with the exceptions listed above, the scheme would be contrary to saved Policy HOU10 and would undermine the broad strategy for housing that is contained in the Development Plan. There is nothing before me to suggest the Council are unable to demonstrate a five year housing land supply as required by the National Planning Policy Framework (the Framework), which could otherwise render saved Policy HOU10 as out of date.
7. Nevertheless, saved Policy HOU10 is narrower in scope than the Framework, which is more flexible and permits a greater number of circumstances where housing in the countryside could be permitted. The Council have therefore found saved Policy HOU10 to be only partially consistent with the Framework¹, which is a conclusion I share. As such, the weight I attach to saved Policy HOU10 is diminished. As a result, it is necessary to consider the appeal scheme against the policies of the Framework.
8. 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 unless there are special circumstances. The Framework does not define or limit the meaning of 'isolated' and I have not been directed to an up to date development plan policy which outlines a local interpretation. Therefore, 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 discernable settlement and its functional connectivity to services.
9. The appeal site is located towards the southern end of Sandy Lane, a residential street with development on its western side. The built form of Sandy Lane tapers off into open countryside beyond the terrace of cottages to the south west of the appeal site. The proposed dwelling would be located within an existing built frontage in-between Woodside and 1 Hill Cottage and in reasonably close proximity of Goffin Terrace to the north. As such, the appeal scheme would be viewed as a natural infill plot within the built form of Sandy Lane, when approaching into Belton along the Angels Way or when exiting the village along the same route. As a consequence, the dwelling and its curtilage would not appear as a discordant incursion into the countryside.
10. Furthermore, due to the modest scale of the proposed dwelling and its suggested position between two existing dwellings, its visual envelope would be contained to fleeting views from a limited section of Sandy Lane that is generally within the immediate vicinity of the appeal site. Thus, the proposed

¹ See Interim Housing Land Supply Policy Appendix 1: NPPF conformity statement for Saved Local Plan Policies

dwelling would 'read' as a continuation and consolidation of the existing development in Sandy Lane.

11. The appeal site is separated from Goffin Terrace by a small group of trees but this is not a physical feature of sufficient scale and presence to act as a visual break of any consequence in this instance. As such, and when taking the above points together, the appeal scheme would not appear physically isolated from the settlement of Belton and would not therefore, harm the intrinsic character and beauty of the countryside.
12. Belton is identified as a Primary Village in the Council's settlement hierarchy. It is therefore reasonably well served by services and facilities. As such, the Council aims to direct 30% of new homes to Primary Villages. The Council's Strategic Planning Officer has indicated that he considers the appeal site to be reasonably well located to the services and infrastructure within Belton. This is what I observed with a public house and bus stop being located at the northern end of Sandy Lane. Further facilities, including a school and shop, are available beyond. There is nothing before me to suggest the distance between these facilities and the appeal site is excessive to the point it would discourage future occupants of the proposed dwelling from walking to them.
13. Being a cul-de-sac, Sandy Lane is likely to be a lightly traffic road. It is also lit by street lighting and benefits from good forward visibility and space for pedestrians and vehicles to pass. Consequently, Sandy Lane does not represent an uninviting walking environment. Beyond Sandy Lane, I observed that most of the streets connecting Sandy Lane to the facilities in the village benefit from pavements. It would also be feasible to cycle to the services in the village. As such, future residents of the proposed dwelling would not be reliant on a private motorised transport to access everyday services and facilities. The proposed dwelling would not be isolated in this respect and would therefore assist in enhancing and maintaining the vitality of the rural community of Belton.
14. As the site is visually and physically related to Belton with reasonable links to everyday services and facilities it cannot be described as 'isolated', even though it is outside the Village Development Limit. I therefore conclude that whilst there is a conflict with saved Policy HOU10 of the LP, this conflict is outweighed by other material considerations. In particular, the proposal would adhere to the provision of the Framework (Paragraphs 17 and 55) as it would not constitute an isolated dwelling in the countryside.

Other Matters

15. The Council has referred to its Interim Housing Land Supply Policy 2014 (IHLP). This document does not however, form part of the adopted development plan but does merit some weight as a material consideration. It sets a criteria based policy to guide the consideration of housing proposals outside but adjacent to Village Development Limits.
16. It is not entirely clear whether the policy should be applied to an assessment of the appeal scheme with the Council's Planning Officers presenting differing views. Nevertheless, as the appeal site is not adjacent to the Village Development Limit, the IHLP appears to be of limited relevance. Notwithstanding this, I have not been presented with substantive evidence to suggest the appeal scheme would breach any of the other criteria listed in the

IHLP. As the appeal scheme would not be in an isolated location, would apparently adhere with the other criteria in the IHLP and would not result in any other material harm then the approval of planning permission should be forthcoming.

Conditions

17. I have had regard to the advice in the Planning Practice Guide and consider it necessary to require the submission of reserved matters prior to the commencement of development in the interests of safeguarding highway safety, the character and appearance of the area and the living conditions of neighbours.

Conclusion

18. For the reasons given above I conclude the appeal should be allowed.

Graham Chamberlain
INSPECTOR

Schedule of Conditions

- 1) Details of 'scale', 'layout', 'landscaping', 'access' and '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) The application for approval of the reserved matters shall be made to the Local Planning Authority not later than 3 years from the date of this permission. The development hereby permitted shall commence before the expiration of two years from the date of the approval of the last of the reserved matters to be approved.

End of schedule