

Appeal Decision

Site visit made on 13 December 2016

by Paul Jackson B Arch (Hons) RIBA

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

Decision date: 13 January 2017

Appeal Ref: APP/L2630/W/16/3156435

Land adjacent to Moorlands, Norwich Road, Dickleburgh, IP21 4NR

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr & Mrs Derek Lock against the decision of South Norfolk District Council.
 - The application Ref 2016/1268, dated 24 May 2016, was refused by notice dated 29 July 2016.
 - The development proposed is a new Passivhaus /carbon negative dwelling.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are as follows:
 - The effect of the proposed development on the character and appearance of the area and whether there is adequate justification for the proposed dwelling, in the light of development plan policies which seek to restrict residential development in the countryside, having regard to guidance within paragraph 55 of the National Planning Policy Framework (the NPPF); and
 - Whether the proposal is in accordance with the policies set out in the development plan and the NPPF in terms of minimising flood risk.

Reasons

Policy background

3. The development plan for the area includes the Greater Norwich Development Plan Partnership Joint Core Strategy for Broadland, Norwich and South Norfolk of 2011 (CS) and the South Norfolk Development Management Policies Document (DMPD) and Site Specific Allocations and Policies Document, both adopted in October 2015. The CS policies referred to in the reasons for refusal seek to address climate change and promote sustainability and good design generally.
 4. Policy 1.3 of the DMPD advises at 1) that all new development should be located so that it positively contributes to the sustainable development of South Norfolk as led by the Local Plan. The Council will work with developers to promote and achieve proposals that are: (a) located on allocated sites or within
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the development boundaries of settlements defined on the policies map, including service villages such as Dickleburgh; and (b) of a scale proportionate to the level of growth planned in that location, and the role and function of the settlement within which it is located. At 2) the policy says that permission for development in the countryside outside settlements will only be granted where specific DMPD policies allow for development outside of development boundaries or the project otherwise demonstrates overriding benefits in terms of economic, social and environment dimensions as addressed in Policy 1.1. In this latter respect, policy 1.1 advises that the Council will take a positive approach that reflects the presumption in favour of sustainable development, together with a responsibility to meet objectively assessed needs.

5. Policy 4.5 indicates amongst other things that all development should respect, conserve and where possible, enhance the landscape character of its immediate and wider environment. Development proposals that would cause significant adverse impact on the distinctive landscape characteristics of an area will be refused.
6. Paragraph 55 of the NPPF says that 'To promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. For example, where there are groups of smaller settlements, development in one village may support services in a village nearby. Local planning authorities should avoid new isolated homes in the countryside unless there are special circumstances, one of which is the exceptional quality or innovative nature of the design of the dwelling. It goes on to say that such a design should:
 - be truly outstanding or innovative, helping to raise standards of design more generally in rural areas;*
 - reflect the highest standards in architecture;*
 - significantly enhance its immediate setting; and*
 - be sensitive to the defining characteristics of the local area.*
7. In terms of design more generally, paragraph 63 says that '*in determining applications, great weight should be given to outstanding or innovative designs which help raise the standard of design more generally in the area*'.

The site and surroundings

The appeal site lies on the east side of Norwich Road at Dickleburgh Moor, a small detached area of ribbon development. There is a distinct gap between the northern edge of the settlement area of Dickleburgh and Dickleburgh Moor and the Council advises in Section 5 *Service Villages* that further residential development in Dickleburgh Moor would be detrimental to the rural character of the area. The site consists of undeveloped grassland with trees on the boundary. Houses along Norwich Road near the appeal site are mostly located on the west side and are mixed in plot area, size, design and appearance. The site backs onto the Dickleburgh Moor, an open area of historic grassland, formerly a glacial lake and now used for hay.

Paragraph 55:

Whether the proposed dwelling would be truly outstanding or innovative, helping to raise standards of design more generally in rural areas

8. Houses that comply with 'passivhaus' principles remain relatively uncommon but are not particularly innovative. The design principles and construction of dwellings (and indeed other types of building, including conversions) that are carbon neutral or even carbon negative are understood by designers. There are examples of dwellings of this kind in many parts of the country and literature on them is easily available. This proposal incorporates some accommodation built to 'passivhaus' construction standards only, for aesthetic reasons and in order to avoid a restrictive building form and add zones which accommodate the needs of a family through time (the Lifetime Homes principle). However it is difficult to find anything particularly innovative in this concept. The adaptation of energy saving principles to an individual design brief, together with sustainable choices of construction methods and materials, is common practice for a bespoke house, particularly one that is intended to be self-built. The concept of 'whole house energy' is also commonly adopted.
9. Turning to whether it would be truly outstanding, this requirement should be seen in the context of raising standards of design more generally. Nothing in the design, construction, detailing or materials put forward, individually or collectively, extends the sum of existing knowledge. That is not to say that the dwelling would not be attractive in architectural terms or that it would not be a very good example that should inspire others. It would achieve these objectives. It would be innovative to a degree, compared to the vast majority of new construction, but the paragraph 55 requirement is deliberately set at a higher level. Otherwise, many isolated sites in the open countryside would be occupied with buildings. Whilst the principles adopted are to be strongly encouraged, there is little to suggest that the project would be truly outstanding or innovative.

Whether it would reflect the highest standards in architecture

The use of attractive sustainable materials to produce an pleasant living environment which complements its setting and reflects the client's brief is the essence of a high standard of architecture. The project satisfies this requirement.

Whether it would significantly enhance its immediate setting; and

Whether it would be sensitive to the defining characteristics of the local area

10. The immediate setting consists of a field with trees and scrub on the boundary which forms part of Dickleburgh Moor, an attractive area of open countryside within which development plan policy deliberately restricts new building. The large gaps between houses along Norwich Road provide wide, long views across the Moor for local residents, holidaymakers, motorists, cyclists and pedestrians, as noted in the South Norfolk Place-Making Guide supplementary planning document which supports the CS. In principle, the introduction of building in this environment would obstruct those views and diminish the experience for passers-by and those who live locally.
11. The new building is sited to respond to the road and the pattern of existing ribbon development and would noticeably increase the amount of built form. It would also be significantly larger in the street scene than most other buildings

in the vicinity. It has not been explained how the development responds to the immediate valued landscape setting, beyond being inspired by Norfolk buildings generally and being of a higher standard of architecture than houses nearby. The architecture would arguably enhance the setting in terms of built development, but it is unclear how it is sensitive to the key characteristics of the landscape. This is particularly important where development is deliberately restricted. Moreover, the design of the proposed dwelling would be acceptable in many locations including sites within a settlement area. It has not been shown how it would significantly enhance the unique landscape setting of this site bordering Dickleburgh Moor. In essence, it would compromise the perception of the open moorland setting which is the dominant characteristic of the area.

12. I conclude that the development would be attractive in its own right, providing exceptionally energy efficient accommodation that may well inspire others in terms of design and construction generally. However, it would not meet the criteria set by paragraph 55, which require a dwelling that is truly outstanding and innovative and sensitive to the defining characteristics of the local area, necessary to justify building a new dwelling in the countryside.

Flood risk

13. The site excludes the areas most at risk in flood zones 2 and 3. Within flood zone 1, measures could in principle be adopted by means of appropriate conditions to ensure that no additional surface water flooding occurs. In considering this matter, I note that the adjacent property *Moorlands* is recently built on the site of a smaller bungalow, now demolished. As far as can be ascertained at the site visit and from the application drawings, the floor level of *Moorlands* is considerably higher than that proposed for the new building of 29.3 AOD. The drawings indicate that the proposed ground floor level would also be substantially below the level of the road which is around 30.5 AOD. There is no flood risk assessment advising the level at which the ground floor of the building should be set to avoid an unacceptable risk, but if the building needed to have a higher floor level, that would significantly increase its bulk and visibility seen from the road. The Design and Access Statement advises that *'like the adjacent 'Moorlands' it is proposed therefore that the building be raised slightly to ensure it is unaffected by any possible flooding in the future'*. The lack of firm information on this point indicates that the visual impact on the area and the open countryside could well be greater than the drawings suggest. This adds to my concerns on the impact of the scheme in the wider landscape.

Other matters

14. The local village provides a school, church, garage, shop and other facilities and is within 1 kilometre or relatively easy cycling and walking distance, but many shopping trips would need to be carried out elsewhere requiring a car journey. Whilst the site has some sustainability merits, they do not amount to justification for a new house outside the settlement area.
15. The Council has a housing land supply well in excess of the requirement set out in the NPPF and housing need therefore does not weigh in the scheme's favour. Nevertheless, the fundamental aim or 'golden thread' running through the NPPF is a presumption in favour of sustainable development, which has 3 dimensions: economic, social and environmental. Having regard to the

development plan and the core principles of the NPPF, this proposal would fall short of meeting the environmental dimension of sustainability because of its impact on the intrinsic character and beauty of the countryside.

16. With regard to the Council's policies on land for self-build projects, I do not disagree that the silence on this matter in the development plan means that the second limb of paragraph 14 comes into play. However, in the light of the excessive level of supply of land on approved sites, the development needs to be considered against all the policies in the NPPF including those that seek to protect the countryside and prevent isolated homes in rural areas. Looking at the situation in the round, the benefits of this single dwelling are significantly and demonstrably outweighed by the adverse impacts.

Conclusion

17. Although I have not found that the development would necessarily cause an unacceptable risk of flooding, it is unclear whether the building would be at the level indicated on the drawings. The development would conflict with the environmental sustainability aims of CS policies 1 and 2 and DMPD policies 1.3 and 4.5 which seek to protect the character and appearance of the area. It falls short of the requirements set out in the NPPF at paragraph 55. For all the above reasons, the appeal should be dismissed.

Paul Jackson

INSPECTOR