
Appeal Decision

Site visit made on 7 December 2016

by Claire Victory BA (Hons) BPI MRTPI

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

Decision date: 24 January 2017

Appeal Ref: APP/K2610/W/16/3156003

Fox Lane, Blofield, NR13 4LW

- 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 Adrian Barns (Anglia Designs LLP) against the decision of Broadland District Council.
 - The application Ref 20160813, dated 4 May 2016, was refused by notice dated 1 July 2016.
 - The development proposed is 4 detached dwellings.
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Decision

1. The decision is allowed and planning permission is granted for 4 detached dwellings at Fox Lane, Blofield, NR13 4LW, in accordance with the terms of the application, ref 20160813, dated 4 May 2016, and subject to the conditions in the attached schedule.

Background and Main Issues

2. Subsequent to the submission of the appeal, the Blofield Neighbourhood Plan (NP) was made on 29 July 2016. Further to the above, a written ministerial statement (WMS) on neighbourhood plans¹ was published on 12 December 2016. This sets out that relevant policies for the supply of housing in a neighbourhood plan, that is part of the development plan, should not be deemed to be 'out-of-date' under paragraph 49 of the National Planning Policy Framework (the Framework) under certain circumstances.
3. The Council has confirmed that it is unable to demonstrate a five year supply of deliverable housing sites. However, the NP does not allocate sites for housing, and so as all three circumstances set out in the WMS are not met, Policy HOU1 of the plan is out-of-date for the purposes of paragraph 49 of the Framework. Policies 4 and 9 of the Joint Core Strategy for Broadland, Norwich and South Norfolk (JCS) (2011, with amendments published in 2014) also deal with housing supply and are therefore also out-of-date.
4. Where relevant policies of the development plan are outdated, paragraph 14 of the Framework provides that planning permission should be granted unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.

¹ Neighbourhood Planning: Written statement - HCWS346

5. The main issues in the appeal are therefore:

- The effect of the proposal on the character and appearance of the area;
- Whether the size of dwellings proposed (in terms of the number of bedrooms in each) are acceptable having regard to the needs of the parish of Blofield; and
- The effect on highway safety in the vicinity of the site.

Reasons

Character and appearance

6. The appeal site forms part of the rear garden of Hobson's Nursery, and is situated on the eastern side of Fox Lane. Fox Lane has a verdant character which is provided by the grass verges on either side of the road and a mature hedgerow of approximately 3m in height that runs along the western boundary of the appeal site.
7. Whilst the site lies outside the settlement boundary of the village, a development of 105 dwellings is under construction to the east at Saxon Fields, and to the north of the appeal site a plot on the corner of Fox Lane and Yarmouth Road has the benefit of planning permission for a detached house. In addition the rear gardens of properties on Nursery Gardens abut the western edge of Fox Lane. Consequently, the appeal site is not within an isolated location, and would form part of an established residential area.
8. The proposed two storey detached dwellings would be of a similar scale and form to other properties in the vicinity and given the variety of housing designs in the locality, with no predominant architectural style, the dwellings would blend satisfactorily into the surrounding area. In addition, details of external materials can be controlled by a condition to safeguard the character and appearance of the area.
9. However, part of the hedgerow would be removed in order to create two shared access points and adequate visibility splays. The Arboricultural Impact Assessment and Method Statement submitted by the appellant concludes that the hedgerow is of low quality² but in a fair condition, with an estimated 20 years of useful life remaining. The soft edge to the lane provided by the hedgerow makes a positive contribution to the character of the area, and this would be eroded by its partial removal. In addition, the grass verge to the east of Fox Lane would be significantly reduced in width between the appeal site and the junction with Yarmouth Road in order to provide a footway. This would further reduce the verdant character of the lane.
10. The appeal proposal would therefore be contrary to NP Policy ENV2, which requires new site boundaries to be soft, using trees and natural hedgerows where adjacent to the countryside, giving a rural edge, and Policy 1 of JCS, insofar as it seeks to protect and maintain environmental assets. However, the site is or will be entirely surrounded by development, rather than being at the edge of the village. Consequently the development would not significantly undermine the rural setting of Blofield, and the harm in respect of landscape would be limited.

² Arboricultural Assessment and Method Statement – Oakfield Arboricultural Services (October 2015) Appendix 2 Tree Survey Schedule and explanatory notes

Housing Size

11. The proposal would provide 4 four bedroom dwellings. The Framework requires local planning authorities to identify the size, type, tenure and range of housing that is required in particular locations, reflecting local demand. NP Policy HOU1 states that new housing development should include properties that will address the specific needs of the population of the parish. These include 'smaller homes including bungalows' and 'two bedroom and larger starter homes on planned mixed development.
12. I acknowledge that a large number of houses have recently been permitted in Blofield and of the 212 dwellings that benefit from full planning permission or reserved matters approval, less than 35% of these are for 1 or 2 bedroom properties. Nevertheless, whilst it might be preferable if a greater number of smaller dwellings were built, to better reflect local needs, Policy HOU1 does not set out a specific target for these smaller homes within each development. Moreover, the policy is out-of-date and thus I can attach only limited weight to it. I am also mindful of the current shortfall in housing land supply in the District.
13. Taking all of the above into account, I conclude that no harm would arise from the size of dwellings proposed.

Highway Safety

14. NP Policy HOU5 requires a minimum of 4 car parking spaces for a 4 bedroom dwelling, where practical and feasible. The proposed site plan shows each dwelling would have a garage, and space for three other vehicles within the site, albeit in practice, if all of these spaces were taken up it would impede the area for turning vehicles within the site. Nonetheless, the site is located within a key service centre with easy access to a wide range of facilities, including a post office, primary school, nursery, community hall and sports facilities. There are also bus stops nearby with regular services to Norwich and Great Yarmouth. The NP also states that just 3% of households in the village have four cars. Accordingly, a relaxation of the minimum standard set out in NP Policy HOU5 would be justified in this instance. In addition, the proposal would accord with Policy TS4 of the Development Management DPD (DMDPD) (2015) which states that appropriate parking and manoeuvring space should be provided to reflect the use and location as well as accessibility by non-car modes.
15. Although concern has been expressed about access for large commercial vehicles to the proposed dwellings, Fox Lane is not a main route and vehicles stopping momentarily, for example to collect refuse or make a delivery would not cause a significant delay in traffic. Conditions requiring the parking and turning areas to be provided before occupation of the dwellings and retained thereafter would however be necessary in the interests of highway safety.
16. The submitted Tree Protection Plan³ indicates that a proposed footway on the eastern side of Fox Lane would be extended to the north up to the junction with Yarmouth Road, but the entire length of Fox Lane and thus the footway is not shown on the proposed site and street elevation drawing.⁴ However, the appellant has indicated that this would be provided and a condition could be

³ Drawing OAS/15-125-TS01 Rev A – titled Tree Protection Plan (dated July 2015)

⁴ Drawing Ref. NS-3632 100 (dated October 2015)

imposed to require the footway to be constructed prior to the first occupation of the dwellings. The Highways Authority has confirmed it has no objection to the proposal subject to the aforementioned conditions.

17. Although third parties have referred to a project to identify Quiet Lanes in the village, Fox Lane is not formally designated as such. Moreover, the use of Fox Lane as a route to the nearby primary school would be enhanced by the creation of a footway along part of the lane.
18. For the above reasons, the development will not give rise to an unacceptable risk to highway safety, and would accord with Policy TS3 of the DMDPD. This states that development will not be permitted where it would result in any significant adverse impact on the satisfactory functioning or safety of the highway network.

Other Matters

19. The Parish Council is concerned that the proposal would affect the setting of the Grade II listed Turret House at 89 Yarmouth Road. However, as this property is located over 100m from the appeal site and separated from the proposed dwellings by new properties within the Saxon Fields development and also potentially the dwelling permitted to the north, I consider that the development would preserve the setting of the listed building. I also note that the Council did not raise any concerns in this regard.
20. With respect to flooding in the locality there is no evidence before me to indicate that the site is at risk of flooding, and conditions can be imposed to prevent surface water run-off to the highway network and to require details of the materials for the construction of parking and turning areas.
21. The occupants of properties in Nursery Gardens consider there would be a loss of privacy as a result of the development. The Council has stated that the proposed dwellings would be about 17m to 21m from the rear of houses in Nursery Gardens. This would be sufficient to avoid any undue overlooking of those properties.

Final balancing and Conclusion

22. The proposal would provide four additional dwellings within a District with a shortfall of housing supply. The Framework at paragraph 47 seeks to boost significantly the supply of housing and I have given significant weight to this factor.
23. I have also found that the proposed size of dwellings would be acceptable, and that the proposal would not cause unacceptable harm to highway safety. The provision of a footway on one side of Fox Lane would be a benefit for those using it including children walking to school. In addition, the proximity to local services as previously described would be a benefit. I have given moderate weight to these matters.
24. On the other hand, there would be harm to the character and appearance of the area, by reason of the reduction of soft landscaping within Fox Lane, albeit the harm would be localised. I attribute moderate weight to this factor.
25. Taking all of the above into account, the adverse impacts of the development would not significantly and demonstrably outweigh the benefits. I therefore

conclude that the scheme would constitute sustainable development and that planning permission should be granted in accordance with the presumption in favour of sustainable development. Material considerations, including paragraph 14, indicate that in this instance planning permission should be granted for development that is not in accordance with the development plan.

26. I have had considered the need for conditions with regard to the Planning Practice Guidance. In addition to the time limit condition and the other conditions I have referred to above, I shall require a condition specifying the approved plans for certainty.
27. For the reasons set out above, I conclude that the appeal should be allowed.

Claire Victory

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall be begun before the expiration of three years from the date of this decision.
- 2) The development hereby permitted shall not be carried out otherwise than in accordance with: Drawing number NS-3632-100 - Proposed Site Plans and Street Elevations; Drawing number NS/3632/15/110 – House Type A; Drawing number NS/3632/15/120 – House Type B; Drawing number OAS/15-125-TS01 – Tree Protection Plan, all received on 4 May 2016.
- 3) Prior to the commencement of development, details of all external materials, including bricks, roof tiles, and all areas of hardstanding to be used in the development shall be submitted to the local planning authority for its written approval. The development shall then be constructed in accordance with the approved details.
- 4) Prior to the first occupation of the development hereby permitted the two vehicular accesses shall be provided to the size and thereafter retained at the position shown on the approved plan in accordance with the highway specification (Dwg No TRAD 1) attached. Arrangement shall be made for surface water drainage to be intercepted and disposed of separately so that it does not discharge from or onto the highway carriageway.
- 5) Notwithstanding the details indicated on the submitted drawings, no works shall commence until a detailed scheme for a 1.5m wide footway along the complete site frontage and fully linking to existing footway facilities on Yarmouth Road to the north have been submitted to and approved in writing by the local planning authority. These works shall be completed to the written satisfaction of the local planning authority prior to the first occupation of the development.
- 6) Prior to the first occupation of the development hereby permitted the proposed accesses, on-site car parking and turning areas shall be laid out in accordance with the approved plan and retained thereafter available for that specific use.