
Appeal Decision

Hearing held on 27 April 2017

Site visit made on 27 April 2017

by L Fleming BSc (Hons) MRTPI

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

Decision date: 12 May 2017

Appeal Ref: APP/L2630/W/16/3159554

Frogs Farm, Springwood Lane, Woodton, Norfolk NR35 2NF

- 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 Leslie and Kim Eade against the decision of South Norfolk District Council.
 - The application Ref 2016/0519, dated 28 February 2016, was refused by notice dated 28 April 2016.
 - The development proposed is development of derelict farmhouse to provide a three bedroom detached dwelling.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - the effect of the proposed development on protected species;
 - the effect of the proposed development on the character and appearance of the area; bearing in mind it would be within the setting of the grade II* listed Oaks Farmhouse;
 - whether the proposed development would amount to sustainable development having regard to the development plan and the National Planning Policy Framework (the Framework).

Reasons

Protected species

3. The proposal would involve the removal of a derelict building, which is partly covered with vegetation and relatively close to woodlands and ponds. The Norfolk County Council Natural Environment Team have raised concerns that the appeal site may have the potential to support bats or Great Crested Newts.
 4. Paragraph 99 of Circular 06/2005 'Biodiversity and Geological Conservation-statutory obligations and their impact within the planning system' states that developers should not be required to carry out surveys for protected species unless there is a reasonable likelihood of the species being present and affected by the development. Furthermore, it states any survey should be completed
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and any necessary measures to protect the species should be in place, through conditions and/or planning obligations, before the permission is granted.

5. At the time of determination no survey of protected species had been undertaken and I find that there would be a reasonable likelihood of protected species being present on the appeal site. Thus there is a risk that they would be adversely affected by the proposed development particularly through demolition and construction.
6. Circular 6/2005 indicates that a survey should only be required by condition in exceptional circumstances. There is no evidence before me which demonstrates exceptional circumstances exist in this case. Moreover, the Planning Practice Guidance makes clear that conditions which require the submission of details after permission is granted should not be used where such details could impact on the ability to implement the planning permission.
7. In this case, the survey findings could indicate the need for further survey work or additional conditions and/or obligation needing to be imposed on any permission to deal with mitigation measures. Thus, I find the imposition of a condition which requires such survey work to be undertaken would not be appropriate in this case as I am not satisfied it would sufficiently protect any protected species from harm and compliance with any such condition may mean it is not possible to implement the planning permission.
8. Therefore, with the absence of any substantive evidence to the contrary, I conclude that the proposed development would be harmful to protected species. It is therefore in conflict with Policy DM 1.4 of the South Norfolk Local Plan Development Management Policies Document (2015) (DMPD) which amongst other things seeks to ensure new development avoids environmental harm and enhances biodiversity in the area.

Character and appearance

9. The proposed dwelling would be within a small group of dwellings in the open countryside. The dwellings in the area are of a variety of sizes and styles including converted farm buildings and are all set in relatively large plots with mature planting. These features together with tall hedging on both sides of Springwood Lane give the area a verdant, spacious and rural character and appearance.
10. Although taller and wider, the proposed dwelling would be roughly in the same location as the remains of the building it would replace. Even though, the details of the proposed front and rear elevations would differ, they would not be viewed together and thus, I find there is no conflict between them. Whilst, the openings and dormer windows would vary in size and detail, these variations would add interest to the proposed building which would not appear out place in an area where the buildings have a varied character.
11. Furthermore, set behind hedging and viewed alongside trees and hedgerows nearby it would not be visually prominent in the rural landscape or when viewed from Springwood Lane. Moreover, the proposed dwelling would sit in a relatively spacious plot retaining the spacious quality of the area.
12. Both main parties agree that the proposed development would have a minimal impact on the setting of the grade II* Oaks Farmhouse. Whilst, I acknowledge the contribution this building makes to the rural character and appearance of

the area, given the separation distance and intervening vegetation I find the setting of the listed building would be preserved.

13. Thus overall, I find the proposed dwelling would not harm the character and appearance of the area. It would therefore accord with Policy DM 1.4 and Policy DM 3.8 of the DMPD which seek to ensure good design and that new development does not harm the character of an area.

Sustainable development

14. Policy 15 of the LP and Policy DM 1.3 of the DMPD seek to direct new development to within settlement boundaries. The appeal site is outside of any settlement boundary.
15. It is contested whether the Council is able to demonstrate a five year supply of deliverable housing land in accordance with paragraph 49 of the Framework. I have considered the detailed evidence with regard to the correct geographical areas to use for the purpose of the calculation and the dwellings delivered and projected to be delivered in the area. I have also noted the appeal decisions¹ relevant to this matter. However, overall I find the evidence on the five year land supply to be inconclusive.
16. Nevertheless, even if the Council cannot demonstrate a five year supply, and relevant policies for the supply of housing are out of date and reduced weight is afforded to countryside protection policies, the proposal would need to be considered in accordance with the presumption in favour of sustainable development. In which case planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the Framework taken as a whole.
17. Paragraph 55 of the Framework encourages housing in rural areas where it will maintain or enhance the vitality of rural communities but requires isolated new homes in the countryside to be avoided unless there are special circumstances. The proposed dwelling would be within a small group of dwellings and a short distance from Woodton which benefits from a basic range of local facilities, thus I do not consider it would be isolated.
18. The proposal would add one more dwelling to the supply of housing in the area. There would also be economic benefits in terms of customers and employees for local businesses and economic benefits associated with construction.
19. However, due to the scale of the proposed development the benefits to the rural community are relatively small in scale and would have a negligible influence on the vitality of the community. Thus, whilst the vitality of the rural community would be maintained it would not be enhanced in this case.
20. Furthermore, the appeal site is some distance from public transport connections and connected to nearby settlements by mainly narrow and unlit rural lanes such that the occupants of the proposed development would be highly dependent on travel by the private car which is the least sustainable mode of transport. Although, I acknowledge the number of trips would be relatively low for one dwelling.

¹ Appeal references: APP/L2630/W/15/3039150, APP/L2630/W/15/3003743 & APP/L2630/A/13/2205855

21. However, even if I were to accept the appeal site is previously developed land when all of the benefits of the scheme are combined they are significantly and demonstrably outweighed by the harm to ecology and the harm arising from the dependence on the private car I have identified. Consequently, when assessed against the policies in the Framework taken as a whole, I conclude that the proposal is not sustainable development.

Other Matters

22. I have considered the appeal decisions² where Inspectors have found new dwellings to amount to sustainable development in other local authority areas. However, the full details of those cases are not before me and I have assessed the appeal in light of the bespoke site specific circumstances. I have therefore afforded them limited weight.

Conclusion

23. For the reasons set out above, I conclude that on balance the proposed development would not accord with the development plan and would also be in conflict with the Framework. Thus, having had regard to all other matters raised the appeal should be dismissed.

L Fleming

INSPECTOR

² Appeal references: APP/C1570/W/14/2218212, APP/E2340/W/16/3153165 & APP/W1850/A/14/2223809

APPEARANCES

FOR THE APPELLANT

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Appellant (Planning Consultant)
Appellant

FOR THE COUNCIL

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David White

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