
Appeal Decision

Site visit made on 9 May 2017

by L Fleming BSc (Hons) MRTPI

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

Decision date: 16 May 2017

Appeal Ref: APP/L2630/W/17/3167831

Land Off Norwich Road, Chedgrave, NR14 6ND

- 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 Frost against the decision of South Norfolk District Council.
 - The application Ref 2016/2535, dated 24 October 2016, was refused by notice dated 5 January 2017.
 - The development proposed is for the erection of 1 No. 4 bedroom self-build dwelling and garage on land off Norwich Road, Chedgrave.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of 1 No. 4 bedroom self-build dwelling and garage at Land Off Norwich Road, Chedgrave, NR14 6ND in accordance with the terms of the application, Ref 2016/2535, dated 24 October 2016, subject to the conditions set out in the Schedule attached to this decision:

Main Issues

2. The main issues are:
 - 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 Old Rectory;
 - Whether the proposed development would amount to sustainable development having regard to the development plan and the National Planning Policy Framework (the Framework).

Reasons

Character and appearance

3. The appeal site is a paddock on the south side of Norwich Road. It sits opposite a row of dwellings which include the grade II listed Old Rectory. To the east, is a wooded area, separating the appeal site from dwellings set in spacious plots within the main built up part of Chedgrave. To the south and west is open countryside. Thus, the area has an edge of settlement character where the dwellings nearby have a varied character and appearance.
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4. The proposed dwelling would be of a similar size, set in a similar sized plot and constructed from materials matching those of other properties nearby. The plans show landscaping would be provided alongside the western boundary and the Norwich Road frontage which would complement the adjacent wooded area and assist to the blend the development into its edge of settlement setting.
5. When travelling along Norwich Road or looking towards the proposed development from the west or south it would be viewed alongside the existing dwellings on the north side of Norwich Road and would appear in keeping with the general character of the properties in the area. Positioned relatively close to Norwich Road and other buildings it would not appear visually prominent in the rural landscape and would be some distance from the grade II listed Old Rectory.
6. For these reasons, I find the proposed development would not harm the character and appearance of the area and the setting of the grade II listed Old Rectory would be preserved. Thus, it would accord with Policy 2 of the Joint Core Strategy for Broadland Norwich and South Norfolk (2011 amended 2014) and Policy DM1.3 of the South Norfolk Local Plan Development Management Policies Document (2015) (DMPD) which among other things seek to achieve good design and protect rural landscape character.

Sustainable Development

7. Policy DM 1.3 of the DMPD states the Council will promote development proposals that are located on allocated sites or within the development boundaries of settlements defined on the Policies Map. Furthermore, it states permission for development in the countryside outside of the defined development boundaries of settlements will only be granted where specific development management policies allow for development outside of development boundaries or otherwise it is demonstrated there are overriding benefits in terms of economic, social and environment dimensions.
8. The proposed dwelling would be directly adjacent to the village of Chedgrave. It is connected to the village by a lit public footpath and is a relatively short distance from a good range of local services and facilities. Furthermore, there are also public transport connections nearby to larger centres where employment can be easily accessed. Thus, the occupants would be well integrated into a village and would not be totally dependent on the private car to meet their day to day needs.
9. The proposal would also add one more house to the housing supply in the area. I am told there is already way in excess of a five year land supply, although this reduces the weight to be attached to this benefit, it remains a benefit. Furthermore, there would be economic benefits in terms of customers and employees for local businesses and economic benefits associated with construction.
10. The Self-build and Custom Housebuilding Act 2015 requires Council's to keep a register of people who wish to acquire land for self-build dwellings and that regard is had to this register when exercising planning functions. The Housing and Planning Act 2016, places a further duty upon Council's to grant permission on enough serviced plots to meet the demand for self-building in their area.

11. The appellant states the plot is serviced and that in October 2016 there were 110 persons on the Council's register, including the appellant and I find no reason to question this. I note that the Council have up to 20 October 2019 to meet the requirement for self-build in the area, however, even so, the appeal proposal would contribute towards meeting the clear demand in the area. This weighs in favour of the proposal.
12. Overall, I have found no harm to the character and appearance of the area or any harm arising from an over dependence on travel by the private car, thus no significant environmental harm. I have also found modest benefits in terms of supporting local services and the local economy. Furthermore, I have also found social benefits in that it would help to meet a demand for self-build plots in the area.
13. Therefore, whilst I acknowledge the combined benefits are relatively small in scale, given I have found no significant environmental harm, in my view there are overriding economic and social benefits which override the fact the proposal is outside of the settlement boundary. On this basis, I find the proposed development would amount to sustainable development and would accord with the aims Policy DM1.3 of the DMPD which seeks to ensure a sustainable pattern of development in the district.
14. In reaching this conclusion I have noted the Council's comments with regard to conflict with paragraph 55 of the Framework. However, I have found the proposal would accord with the development plan and in any event I have found it would be well integrated into an existing settlement such that it would not be an isolated new home in the countryside.

Conditions

15. The conditions imposed are those which have been suggested by the Council but with some variation in the interests of clarity and precision having regard to the advice on imposing conditions in the Planning Practice Guidance.
16. In addition to the standard timescale condition, I have imposed conditions specifying the relevant drawings and that the development is carried out using the materials shown on the drawings as this provides certainty.
17. Given the slight variation in site levels, I agree a condition is necessary which requires final finished levels to be agreed in the interest of safeguarding the living conditions of nearby residents. Furthermore, as requested by the Council I have also imposed a condition requiring a landscaping scheme in the interests of safeguarding the character and appearance of the area.
18. As requested by the Council, I have also imposed a condition to ensure the approved dwelling is water efficient to meet the requirements of the development plan. In the interest of highway safety a condition requiring the parking and turning area to be laid out before occupation is also necessary.
19. Finally, as requested by the Council I have also attached a condition which requires any contamination found during construction to be investigated and dealt with accordingly in the interests of public safety.

Conclusion

20. For the reasons given above, on balance the proposal would accord with the development plan and thus having had regard to all other matters raised I conclude that the appeal should be allowed.

L Fleming

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Elevations and Floor Plans 1:100 Block Plan 1:500 Location Plan 1:1250 Drawing No 2359/1.
- 3) The external surfaces of the development hereby permitted shall be constructed in the materials shown on Drawing No 2359/1.
- 4) No development shall take place until details of the existing ground levels, proposed finished floor levels of the buildings hereby approved and the proposed finished ground levels of the site, relative to a datum point which is to remain undisturbed during the development have been submitted to and agreed in writing by the local planning authority. Such details shall also provide comparative levels of eaves and ridge heights of neighbouring properties and details of the levels of any existing or proposed boundary treatments. The development shall be carried out in accordance with the details as approved and retained as such thereafter.
- 5) No development shall take place until full details of the landscape works have been submitted to and approved in writing by the local planning authority and these works shall be carried out as approved. The approved scheme shall be implemented within the first planting season (October to March) following the commencement of works. These details shall include:
 - planting plans;
 - written specifications (including cultivation and other operations associated with plant and grass establishment);
 - schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate;
 - implementation programme.

If within a period of five years from the date of planting, any tree or plant or any tree or plant planted in replacement for it, is removed, uprooted or is destroyed or dies, [or becomes in the opinion of the local planning authority, seriously damaged or defective] another tree or plant of the same species and size as that originally planted shall be planted at the same place, unless the local planning authority gives its written consent to any variation.
- 6) Prior to the first occupation of the development hereby permitted the proposed access /on-site car parking and turning area shall be laid out, levelled, surfaced and drained in accordance with the approved plan and retained thereafter available for that specific use.
- 7) The development hereby approved shall be designed and built to achieve a water consumption rate of no more than 105litres/person/day. No occupation of the dwelling shall take place until an assessment which relates to that dwelling and which confirms that the development has been constructed in accordance the above requirement for water usage has been submitted to and agreed in writing by the local planning authority. All completed water conservation measures identified shall be

installed in accordance with the details as agreed and thereafter permanently retained.

- 8) In the event that contamination that was not previously identified is found at any time when carrying out the approved development, it must be reported in writing immediately to the local planning authority. All development shall cease and shall not recommence until:

1) a report has been submitted and agreed in writing by the local planning authority which includes results of an investigation and risk assessment together with a proposed remediation scheme to deal with the risk identified and

2) the agreed remediation scheme has been carried out and a validation report demonstrating its effectiveness has been approved in writing by the local planning authority.

END OF SCHEDULE