
Appeal Decision

Site visit made on 15 August 2017

by Richard Aston BSc (Hons) DipTP MRTPI

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

Decision date: 6th September 2017

Appeal Ref: APP/U2615/W/17/3167945

Burgh Hall Leisure Centre, Lords Lane, Burgh Castle NR31 9EP

- 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 Kevan Whitebread against the decision of Great Yarmouth Borough Council.
 - The application Ref 06/16/0529/0, dated 5 August 2016, was refused by notice dated 15 December 2016.
 - The development proposed is 3 No. new dwellings.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The appeal concerns an application for outline planning permission and the application form is clear that approval is sought for the Appearance, Layout and Scale. Access and Landscaping are reserved for later consideration and I have dealt with the appeal on this basis.
3. Amended plans were submitted during the course of the application that revised the design and siting of the dwellings. It is clear from the evidence before me that the Council determined the proposal on this basis and so shall I. The submissions before me also indicate that the Council objected to the proposal in terms of the effect on the character and appearance of the area¹. The appellant has addressed this matter in their evidence and I have considered it in my decision.

Main Issues

4. The main issues are:
 - Whether the proposal would provide a suitable site for housing, having regard to settlement strategy, the proximity of services and reliance on car based journeys.
 - The effect of the proposal on the character and appearance of the area.

¹ Planning Committee report paragraph 4.5 and (5) of Council's statement of case.

Reasons

Suitable site

5. The appeal site lies outside of any settlement and is in the countryside for development plan purposes. Saved Policy HOU10 of the Great Yarmouth Borough wide Local Plan 2001 ('LP') permits the erection of new dwellings outside of defined settlement boundaries if they are required in connection with either agriculture, forestry, organised recreation or the expansion of an existing institution. The proposal would result in 3 new dwellings and is not covered by any of the exceptions within Policy HOU10. Consequently the proposal would conflict with this policy.
6. Policies CS1 and CS2 of the Great Yarmouth Local Plan Core Strategy 2015 ('CS') seek to deliver sustainable development and CS2 states, amongst other things, that growth within the Borough must be delivered in a sustainable manner by balancing the delivery of new homes with new jobs and service provision creating resilient self-contained communities and reducing the need to travel.
7. Access to Burgh Castle and Bradwell, the closest settlements is along very narrow and unlit rural lanes and the nearest bus service is on Mill Road. Notwithstanding that the bus service and these settlements are technically within walking distance of the appeal site, there appears to be very limited facilities within Burgh Castle and Bradwell. Moreover, future occupants would not choose to walk or cycle to them as they would be unlikely to perceive the route as safe or convenient, especially in inclement weather. This is particularly the case for the nearest primary school in Bradwell where it is doubtful parents would choose to walk down the part narrow, unlit section of the lane with children of a primary school age.
8. The National Planning Policy Framework ('the Framework') advises that opportunities to maximise sustainable transport solutions will vary from urban to rural areas and journeys would not be long. Nonetheless, the likely trips generated from 3 dwellings would not be insignificant and future residents would have little choice other than to be heavily reliant on car based journeys rather than more sustainable modes of transport for trips to and from shops, school, work, health, leisure and other day to day services and facilities further afield.
9. I have no meaningful evidence to suggest that the proposal would enhance or maintain the vitality of rural communities and to my mind, the aim of Paragraph 55 of the Framework is that new residential development should not be detached from being part of a viable and vibrant rural community, where there would be an immediate social network and ready access to some day-to-day services without the need to travel. Despite the presence of other development within the vicinity of the appeal site the proposal would be in a functionally isolated location. This would be in conflict with the aims of Policy CS2 of the CS and the promoting sustainable transport and development in rural areas objectives of the Framework.

Character and appearance

10. Apart from an area of hardstanding the appeal site is undeveloped and contains a number of mature trees. In combination with the openness and spaciousness

of the site this positively contributes to the overall rural character and appearance of this part of Lords Lane.

11. The dwellings would be of a substantial scale and would be sited so as to cover the majority of the width of the appeal site and consequently, they would be clearly conspicuous on the approach from both directions. By virtue of its extensive, undeveloped and open character the introduction of 3 dwellings on the appeal site would result in a significant and harmful alteration to the character and appearance of the area. The proposal would result in an intensification of built form that would substantially diminish the contribution that the appeal site makes to the character and appearance of the area.
12. The proposed dwellings would also be of a markedly different form and appearance. In particular, the dwelling on Plot C would be sited parallel to Lords Lane but Plots A and B would have ridge lines running perpendicular to Lords Lane. Despite variety in the architecture of buildings within the vicinity the proposal would result in a visually jarring and incongruous addition to this part of the Lords Lane streetscene that would be detrimental to the visual interests of its surroundings.
13. For these reasons, the site would not be a suitable site for housing having regard to adopted settlement strategy, proximity of services and reliance on car based journeys and would cause harm to the character and appearance of the area. Accordingly, it would conflict with Policy HOU10 of the LP and Policies CS1 and CS2 of the CS, the requirements of which are set out above.
14. Although the blanket protection of the countryside is not supported by the Framework, in accordance with the Inspectors findings in a recent appeal² I find Policy HOU10 is broadly consistent with the countryside protection and sustainability aims of it. The proposal would therefore conflict with the relevant objectives of the Framework, including the principle (included in paragraph 17) of actively managing patterns of growth to make the fullest use of public transport, walking and cycling and that the intrinsic character and beauty of the countryside should be recognised.

Other Matters

15. My attention has been drawn to examples of development which the appellant contends are similar to the proposal before me³. However, I have not been provided with the full details and cannot therefore be certain that they are directly comparable to the appeal proposal before me. In any event each case must be considered on its own merits. In reaching this view I have also had regard to the 'Fixing our broken housing market' White Paper but do not consider this outweighs the conflict with the development plan that I have identified.
16. The appellant contends that the development would secure current and future employment opportunities at Burgh Hall. However, there is nothing substantive before me to demonstrate the viability of the business or jobs are at risk if I was to dismiss the appeal. I therefore afford this consideration little weight.
17. In reaching this view I have also noted the lack of objection from consultees, including the Council's Strategic Planning Team. However, I am not bound by

² APP/U2615/W/17/3168158.

³ LPA ref: 06/14/0439/F, 06/17/0105/F and 06/15/0308/F.

their assessment and this does not alter my views in relation to the main issues. I also note the appellant's frustration regarding the Council's handling of the application but the Council's administration and determination of the application are not matters for me to address as part of this appeal.

Planning balance and conclusion

18. There is some disagreement as to whether the Council can demonstrate a deliverable 5 year supply of housing land and the appellant contends that the presumption in favour of sustainable development set out in Paragraph 14 of the Framework is engaged. I have considered the extracts from the appeal decision that have been brought to my attention and the Council's recently published Housing Land Supply Position Statement. Furthermore, the appellant's comments with regard to the sources of the Council's deliverable land supply and the age of the assessment. However, the limited evidence before me does not enable me to reach a definitive conclusion in relation to the housing land supply position.
19. The proposal would result in minimal economic and social benefits given its scale and any benefits during construction would be short term. The appeal site would appear to be previously developed land, the development of which is supported by local and national planning policy. The absence of harm in relation to other normal development management considerations is neutral in the planning balance.
20. Set against this, I have found that the proposal would not be a suitable site for housing in terms of the adopted settlement strategy, proximity of services and reliance on car based journeys. It would also harm the character and appearance of the area and would fail to fulfil the social and environmental and social dimensions of sustainable development as set out in Paragraph 7 of the Framework.
21. Even if I were to conclude there is a shortfall in 5 year supply and that the development plan is absent, silent or relevant policies are out of date, the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole. As such, the proposal would not represent sustainable development.
22. For the reasons set out above, the proposal would conflict with the development plan, when read as a whole and the Framework. Material considerations do not indicate that the proposal should be determined other than in accordance with the development plan. Having considered all other matters raised, I therefore conclude that the appeal should be dismissed.

Richard Aston

INSPECTOR