
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: 8th September 2017

Appeal Ref: APP/L2630/W/17/3172761

High Oak Works, High Oak Road, Wicklewood NR18 9QP

- 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 Chris Mannion against the decision of South Norfolk District Council.
 - The application Ref 2016/2186, dated 13 September 2016, was refused by notice dated 14 November 2016.
 - The development proposed is described as 'proposed redevelopment of remaining land at former works site for two detached dwellings with garages and gardens'.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The application was submitted in outline form with all matters reserved. The plans are marked as 'Indicative' and provide an indication of how the site could be developed for the development proposed. I have determined the appeal on this basis.

Main Issues

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

Reasons

Suitable location

4. The appeal site is part of a former industrial site and planning permission was granted on adjacent land for 6 detached dwellings in 2012, some of which are still under construction. The site is currently overgrown with scrub and contains some scattered building materials along with some small portacabins, storage containers and various pieces of scrap metal and machinery parts.
5. The site is outside of any settlement boundary and is therefore within the countryside as defined by Policy DM 1.3 of the South Norfolk Local Plan Development Management Policies Document Adoption Version 2015 ('LP')

which states that all new development should be located so as to positively contribute to the sustainable development of South Norfolk and be led by the LP.

6. It also states that permission for development in the countryside beyond the defined development boundaries will only be granted, amongst other reasons, if the scheme demonstrates overriding benefits in terms of economic, social and environmental dimensions as addressed in Policy DM 1.1. The proposal would, to the extent that it lies outside the settlement boundary, conflict with Policy DM 1.3.
7. Furthermore, the nearest services are located in Wymondham which is approximately 3 miles away and Wicklewood, which is slightly closer and contains some services and facilities, commensurate with it being a Service Village. However, access to both would be along narrow and unlit rural roads and in my view, 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 and at night. Given this, I do not find the County Council's guidance¹ in relation to accessibility to be determinative.
8. The National Planning Policy Framework ('the Framework') advises that opportunities to maximise sustainable transport solutions will vary from urban to rural areas. Although vehicle trips would not be long, the number of movements associated with 2, 4 bedroom dwellings would not be insignificant. 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. My reading 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 it is isolated from any meaningful scale of settlement that could provide social support to future occupiers. The proposal would be in a functionally isolated location and I have no meaningful evidence to demonstrate that the proposal would enhance or maintain the vitality of rural communities.
10. For these reasons, the proposal would not be a suitable location for housing with regard to settlement strategy and proximity to services and reliance on car based journeys. It would conflict with the environmental and social aims of Policy DM 1.3 of the LP which seek to ensure a sustainable pattern of development in the district. It would also conflict with the Framework insofar as the objective of actively managing patterns of growth to make the fullest possible use of public transport, walking and cycling, reducing greenhouse gas emissions and locating housing where it will enhance or maintain the vitality of rural communities. The issue of whether there are any overriding benefits to this as allowed by Policy DM 1.3 is something which I return to below.

¹ Home to School and College Transport Policy.

Character and appearance

11. The site forms part of Landscape E3 Hingham – Mattishall Plateau Farm Land as defined in the South Norfolk Landscape Assessment Report 2001 updated in 2012. Otherwise the appeal site is surrounded by gently undulating farmland and sits in a prominent position but the effects on landscape character would be minimal. However, closer to the appeal site the existing dwellings are clearly conspicuous as a close knit cluster of large detached dwellings on both approaches to the appeal site and set out in a linear pattern curving back into the site from High Oak Road.
12. I accept that all matters would fall to be assessed in greater detail at a later stage but it is likely that the dwellings would be sited some distance from this cluster and much closer to the boundary with open agricultural fields. In visual terms, the combination of the likely size, height and siting of the dwellings would have a further urbanising effect on the appeal site and on this part of the countryside. Furthermore, on the approach from the west only the existing roofs and some parts of the upper storey gables of Plots 5 and 6 are visible above the existing hedge. In combination with the undeveloped nature of the appeal site, this provides a sense of spaciousness and openness that positively contributes to the character and appearance of the appeal site and area.
13. The introduction of such built form would appear much more overly dominant and visually prominent than existing development and would substantially diminish the contribution that the appeal site makes to the prevailing character and appearance of this rural area. Overall, I find that the proposal would therefore cause moderate harm to the character and appearance of the area.

Other Matters

14. My attention has been drawn by the appellant to a number of appeals which the appellant contends are similar to the proposal before me². In all cases I have also not been provided with the full details and cannot therefore be certain that the considerations are directly comparable to the proposal before me. Overall, they do not alter my views in relation to the main issues and in any event each case must be determined on its own merits.

Other considerations

15. Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. This is reaffirmed at Paragraph 12 of the Framework which states that development proposals which conflict with an up-to-date Local Plan should be refused unless other material considerations indicate otherwise.
16. The question that follows is are there any material considerations which indicate that a decision should be made other than in accordance with the development plan. In the context of the LP this is in respect of whether there would be any overriding social, economic and environmental benefits which I now turn to.

² APP/L2630/A/13/2202187, APP/V2635/W/15/3028922, APP/R0660/A/13/2192192, APP/T2350/A/11/2161186 and APP/P3040/A/13/2195979.

Self-build

17. The appellant contends that the development plan is silent on the matter of self build housing schemes. Although there is not an individual policy for self-build developments Policy DM 3.1 of the LP relates to meeting overall housing requirements and needs. This policy is broad but requires the provision of a range of dwelling types to meet the requirements of different households and the supporting text does make reference to self-build dwellings.
18. To my mind there is a relevant body of policy which is sufficient to allow enable the proposal to be considered and determined acceptable or unacceptable in principle. This includes consideration of whether there are any other considerations that represent overriding benefits. Self-build schemes are clearly one such consideration³. Overall, I am satisfied that the development plan is not silent in this respect.
19. I have had regard to the appeal decisions brought to my attention by the Council⁴ and the findings of the Inspector in an appeal at Castor St Edmunds⁵. However, I do not have the full details of those cases and in any event, I must determine the appeal on its own merits.
20. I have also had regard to the various submissions from the parties regarding the need, demand and the ability of the Council to meet the necessary legislative requirements for self-build⁶. Whatever the case may be, the government is actively seeking to increase the supply of such housing and there appears to be demand for such plots from the Council's register. The weight I give to this is tempered somewhat because the Council has until 20 October 2019 to meet this requirement and because I have no mechanism before me that would ensure such a proposal would be constructed in such a manner and retained as such⁷. Nevertheless, the self-build nature of the proposal weighs modestly in favour of the proposal given it is for 2 dwellings.

Environmental

21. The appeal site is previously developed land ('PDL') the effective re-use of such land is encouraged in local and national planning policy. I am also mindful that permission was granted for residential development on adjoining PDL land. However, that permission was granted on the basis of specific material considerations given the use at that time, considerations which no longer exist and are therefore afforded little weight.
22. Whilst some materials and scrap were in place and the site was somewhat overgrown, I did not find that it was an eyesore or was adversely affecting the visual interests of its surroundings. Moreover, the materials and portacabins appeared to be part of construction works on the overall site and there is a reasonable expectation these would be removed and site tidied upon completion of the other properties. I therefore give little weight to the appellant's contention that the site needs to be developed to prevent it becoming untidy.

³ The economic, social and environmental dimensions referred to in Policy DM1.1.

⁴ APP/L2630/W/16/3152650, APP/L2630/W/17/316711.

⁵ APP/L2630/W/15/3005707.

⁶ Imposed under the Self Build and Custom House Buildings Act 2015 and Housing and Planning Act 2016.

⁷ A legal agreement is the most appropriate method as a planning condition is not appropriate and in any event, no such condition is before me.

23. The appellant contends that the land is likely to be contaminated and I have been provided with a Risk Assessment and Site Investigation report dated 2010. However, I find that there is nothing substantive before me to suggest that the appeal site itself is in need of remediation because of contamination and the report would appear to relate to the adjoining land. On the evidence before me, I therefore afford this little weight but because it could be resolved by condition neither does it weigh against the proposal.

Social and economic

24. The appeal site lies within the Rural Policy Area where the Council considers it can demonstrate significantly in excess of a 5 year housing land supply. At the time of its decision, the Council considered this to be some 16.94 years and I note that this has since increased to 39.6 years⁸. The appellant does not dispute this and on the evidence before me I have no reasons to disagree. The provision of 2 new homes would nevertheless make an additional but minimal contribution to this. The Grant of New Homes Bonus and additional council tax is a minor benefit and there would be some minimal additional spending in the wider rural economy. I give little weight to economic benefits during construction given their short term nature.

Conclusion

25. The proposal would conflict with an up to date development plan which is not absent or silent and where relevant policies are not out of date. This in turn means that the presumption in favour of sustainable development as set out in Paragraph 14 of the Framework is not engaged and the proposal would not represent sustainable development.
26. Although the proposal would have some economic and social benefits, these do not amount to overriding benefits that outweigh the conflict with the development plan in terms of the site's location, proximity to services and reliance on car based journeys and the harm to the character and appearance of the area that I have identified. The proposal would fail to fulfil the social and environmental dimensions of sustainable development.
27. 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 a decision should be made 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

⁸ Paragraph 1.1 of Council's statement.