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## Appeal Decision

Site visit made on 28 November 2017

**by R A Exton Dip URP MRTPI**

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

**Decision date: 12<sup>th</sup> December 2017**

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**Appeal Ref: APP/Y2620/W/17/3181678**

**Land off Moor Lane, Stalham**

- 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 Neil Macnab against the decision of North Norfolk District Council.
  - The application Ref PF/17/0385, dated 8 March 2017, was refused by notice dated 15 June 2017.
  - The development proposed is described as proposed new 3 bedroom bungalow & garage.
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### Decision

1. The appeal is allowed and planning permission is granted for a new 3 bedroom bungalow & garage at land off Moor Lane Stalham in accordance with the terms of the application, Ref PF/17/0385, dated 15 June 2017, subject to the conditions set out on the attached schedule.

### Procedural Matter

2. I have sought the main parties views on the recent Braintree decision<sup>1</sup> and these are reflected in my reasoning below.

### Main Issue

3. The main issue is whether the site represents a suitable location for residential development having regard to the development plan and the National Planning Policy Framework.

### Reasons

4. The appeal site is situated on the southern side of Moor Lane, outside the designated development boundary for Stalham, and therefore within the countryside, as defined in the North Norfolk Core Strategy adopted in 2008 ('the Core Strategy'). Since the adoption of the Core Strategy a number of developments have significantly changed the character and appearance of the surrounding area and the appeal sites relationship with it.
5. A group of 5 dwellings on Drakes Close is sited to the east of the appeal site and facing Yarmouth Road. To the south of this, a group of 3 dwellings on

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<sup>1</sup> Braintree District Council v Secretary of State for Communities and Local Government, Greyread Limited & Granville Developments Limited (2017)

Meadow Way is sited perpendicular to Yarmouth Road. A further two dwellings are sited at the eastern end of Meadow Way.

6. I note the circumstances by which these developments came about. However, notwithstanding this, they now contribute to the character and appearance of the surrounding area and the appeal sites relationship with it. A number of dwellings on Drakes Close and No1 Meadow Way are highly prominent when viewed from Yarmouth Road. They form a visual continuation of the frontage development further to the north along Yarmouth Road and give this length of the road a suburban rather than the rural appearance it may have had when the Core Strategy was adopted.
7. The development on Drakes Close, and existing development to the north, south-west and west of the appeal effectively encloses it on 4 sides. It now has the appearance of a vacant plot substantially surrounded by development. Whilst still designated as countryside in the Core Strategy, the appeal site also has a more suburban appearance rather than that of the countryside.
8. I note the Councils comments on its housing land supply situation. However, this is not the only matter that can render a development plan out-of-date. In this case, and in light of the above, I consider that the development that has taken place since the adoption of the Core Strategy has rendered it out-of-date in its designation of the appeal site as countryside. I therefore afford Policy SS2 of the Core Strategy very limited weight in this respect.
9. Consequently, paragraph 14 of the National Planning Policy Framework ('the Framework') is triggered. This requires planning permission to be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies of the Framework taken as a whole.
10. The Council considers that whilst the proposal would not be an isolated dwelling in the countryside, it would conflict with paragraph 55 of the Framework by being in an unsustainable location. From my observations on site and the evidence before me I note the presence of a petrol station and shop, public house and schools within walking distance of the site. A greater range of services are available near the centre of Stalham around 1km to the north-west. In light of these factors I conclude that the proposal would not be in an unsustainable location and therefore would not conflict with paragraph 55 of the Framework.
11. The Council also identifies the possible precedent set by the proposal as harmful. Whilst the Council has identified a number of sites in the vicinity that it considers would be detrimental to the character of the area if developed, there is very limited evidence before to demonstrate the likelihood of this taking place. Consequently I can afford this matter only very limited weight.
12. A number of these sites identified by the Council are also very different to the appeal site by bounding the countryside to the west. The effect of proposals on any of these sites on the character of the area could therefore be assessed on their own merits and would not be influenced by the determination of this appeal.
13. In terms of benefits, the proposal would make a limited contribution to boosting the supply of housing supply within the district. Occupiers of the

proposal would also be likely to support the nearby services described above. The proposal would therefore help to maintain the vitality of the rural community of which it would form part. For the reasons set out above, I find no harm that outweighs these benefits and conclude that when assessed against the Framework as a whole, the proposal would constitute sustainable development.

### *Conditions*

14. I have considered the 7 conditions the Council have requested be imposed if the appeal is allowed. A condition is also required to control external materials. I have amended and re-ordered the conditions in the interests of precision and clarity on the attached schedule.
15. Conditions 1 and 2 on the attached schedule are necessary in the interests of commencement and to ensure the development is carried out in accordance with the approved plans. Conditions 3-6 are necessary to ensure the development has a satisfactory appearance. Condition 7 is necessary in the interests of living conditions of future occupiers and highway safety.

### **Conclusion**

16. For the reasons given above, and taking all other matters raised into account, I conclude that the appeal should be allowed.

*Richard Exton*

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: 1001/P000, 1001/P001, 1001/P002 and 1001/P003
- 3) No development shall commence until details of the materials to be used in the construction of the external surfaces of the extension hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
- 4) The development hereby permitted shall be carried out in accordance with Arboricultural Impact Assessment by A.T. Coombes Associates Ltd dated 27 February 2017
- 5) No development shall commence until there shall have been submitted to and approved in writing by the local planning authority a scheme of landscaping. The scheme shall include indications of all existing trees and hedgerows on the land, identify those to be retained and set out measures for their protection throughout the course of development.
- 6) All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants, including those existing and to be retained, which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.
- 7) The dwelling hereby permitted shall not be occupied until space has been laid out within the site in accordance with drawing no. 1001/P001 for cars to be parked and turned so that they may enter and leave the site in forward gear and that space shall thereafter be kept available at all times for those purposes.