
Appeal Decision

Site visit made on 27 March 2018

by Claire Searson MSc PGDip BSc (Hons) MRTPI IHBC

an Inspector appointed by the Secretary of State

Decision date: 10th May 2018

Appeal Ref: APP/L2630/W/17/3180722

Land to the West of Norwich Road, Tacolneston, NR16 1BY

- 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 J Coston against the decision of South Norfolk District Council.
 - The application Ref 2016/2635, dated 3 November 2016, was refused by notice dated 2 February 2017.
 - The development proposed is an outline application for 3 self-build plots with details of upgraded access, all other matters reserved.
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Decision

1. The appeal is allowed and planning permission is granted for an outline application for 3 self-build plots with details of upgraded access, all other matters reserved at Land to the West of Norwich Road, Tacolneston, NR16 1BY in accordance with the terms of the application, Ref 2016/2635, dated 3 November 2016, subject to the attached schedule of conditions.

Procedural Matters

2. The application is in outline with access to be considered and all other matters reserved. An indicative site layout plan and elevational plans were submitted with the application and I have had regard to these in my determination of the appeal.
3. The description given in the application and appeal form makes reference to landscaping, which is a reserved matter. For precision, I have therefore taken the description of development from the Council's decision notice.
4. Following the refusal of consent, the Council published its Annual Monitoring Report (AMR) on 14 March 2018 which covers the period 2016-2017. This report confirms that there is now a shortfall in housing land supply within the District. Both parties have had the opportunity to make comments on the updated AMR and I have taken account of these in my determination of this appeal.

Main Issue

5. The main issue is the effect of the proposed development upon the character and appearance of the area.

Reasons

6. The appeal site forms part of an open grassed field, located to the eastern side of Norwich Road. A small hedgerow forms the front boundary with a drainage ditch. There is a horse chestnut tree to the north of an existing access which has a Tree Protection Order (TPO) upon it. To the rear of the site is No 89 Norwich Road, a single storey dwelling which has a number of outbuildings and agricultural buildings adjacent to it.
7. The appeal site is located within the northern part of the village. Tacolneston is a rural settlement which, to the north of Manor House, developed in a predominantly linear form along Norwich Road. Here properties are typically detached single storey dwellings, set in reasonable sized plots, giving this part of the settlement area an open and semi-rural character.
8. The site is located outside of the settlement boundary of Tacolneston and as such is to be considered to be within the open countryside for the purposes of South Norfolk Local Plan Development Management Policies Document 2015 (DMDP). Policy 1.3 of the DMDP seeks to focus development within settlement boundaries, in order to protect the open countryside. It states that permission for development in the Countryside outside of the defined development boundaries of settlements will only be granted if overriding benefits in terms of economic, social and environment dimensions are demonstrated.
9. The proposal is for 3 self-build dwellings, which, as portrayed by the indicative plan, would each front Norwich Road and would be accessed by the existing access to No 89, with a new private drive leading to the rear of each dwelling.
10. The proposed development would result in an encroachment of urban form into the countryside which would be visible from the road. As such, there would be harm to the character and appearance of the area.
11. However, this would be mitigated to a certain extent by a number of factors. The encroachment into the open countryside would be somewhat limited due to the presence of No 89 and outbuildings to the rear. There would also be a continuation of the linear pattern of development. The dwellings would be positioned towards the centre of their plots, and it is indicated that these would be likely to be single storey in height.
12. In this regard, the development would be consistent with the built character of this part of the settlement and the development would resemble a natural and organic extension to the village which would help to retain a semi-rural character.
13. While part of the hedgerow would need to be removed, I am also mindful that design and landscaping proposals secured as part of any future reserved matters application would further help to assimilate the development into its surroundings. The protected tree would remain in place.
14. The Council submit that the site forms a significant break in the built-up frontage. However, the site is not particularly wide and there would be open land to both the north and south of the site, thus maintaining an overall sense of openness within the village.
15. Concluding on this main issue, there would be some limited harm to the character and appearance of the area through the urbanisation and

encroachment of development into the countryside. In this regard, this would conflict with DMDP Policy 1.3. I now turn to the planning balance in respect of whether there are overriding benefits.

Planning Balance

16. There are three dimensions to sustainable development; economic, environmental, and social. Developments located outside of settlement boundaries must have demonstrable overriding benefits to be considered acceptable under Policy 1.3.
17. Furthermore, following the recent publication of the Council's AMR, the Council accepts that they are no longer able to demonstrate a 5-year supply of housing. Accordingly, paragraph 49 of the National Planning Policy Framework (the Framework) takes effect. Paragraph 14 indicates that where relevant policies are out of date permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole.
18. DMDP Policy 1.3 requires a similar test as the Framework and in seeking to protect the character of the countryside, I consider that this policy is in broad accordance with the Framework.
19. Turning to the positive elements of the scheme, the development would be located directly adjacent to Tacolneston with accessibility to its local services and facilities. Accordingly there would be social, economic and environmental benefits in this regard.
20. The proposal would have the social and economic benefits of addressing the current under-supply of housing land. The proposal would also be for 'self-build' units. As part of the Self Build and Custom Housebuilding Act (as amended by the Housing and Planning Act 2016) there is a duty to grant permission to enough suitable serviced plots of land to meet the demand for self-build and custom housebuilding in an area. Paragraph 50 of the Framework also requires the delivery of a wide choice of high quality homes, and planning for a mix of housing including for people wishing to build their own homes.
21. It is understood that as of July 2017, there were 222 individuals registered on the Council's self-build register and the timescale to meet that requirement is by 30 October 2019. The appeal proposal would therefore contribute towards meeting the clear demand and legal duties in respect of the provision of self-build housing, and would thus have social and economic benefits in this regard.
22. Turning to the adverse impacts, there would be harm to the character and appearance of the area. The harm is mitigated by a number of factors outlined above and is of a limited level only. There are also no other matters arising from the development that indicate any other significant adverse impacts.
23. Overall, I therefore consider that there are economic, social and environmental benefits which override the fact that the proposal is outside of the settlement boundary in respect of DMDP Policy 1.3. Moreover, in respect of paragraph 14 of the framework, the limited adverse impacts in respect of character and appearance identified above do not significantly and demonstrably outweigh the overall economic benefits.

24. Concluding on the planning balance, the proposed development would result in harm to the character and appearance of the area. However, applying the approach of the DMDP and the Framework as a material consideration, I am satisfied that the development would be acceptable and would represent sustainable development in this instance.

Conditions

25. I have had regard to the conditions put forward by the Council. I have attached conditions limiting the life for the planning permission and setting out the requirements for the reserved matters.
26. I have imposed a condition in respect of phasing, in order to facilitate self-build plots. Conditions relating to contamination and the disposal of foul and surface water are necessary to ensure that there are no significant adverse impacts upon the living conditions of local residents and future occupants. Due to the nature of the drainage works and phasing, these are pre-commencement conditions.
27. I have not conditioned materials samples, finished floor levels, water consumption rates and boundary treatments. Appearance, landscaping and layout are reserved matters and conditioning such details at this stage would be contrary to the flexibility provided by the outline nature of the application.
28. For reasons of highway safety, I have conditioned details of the proposed access onto Norwich Road. The Council's second suggested highways condition relates to the internal access, including parking provision and turning arrangements. Again, as layout is a reserved matter, I do not consider it necessary to condition these matters at this time as they should be dealt with at reserved matters stage.
29. Finally, conditions in respect of trees and ecology are necessary to protect the environment and biodiversity.

Conclusion

30. For all the above reasons, and having regard to all other matters raised, I therefore conclude that the appeal should be allowed.

C Searson

INSPECTOR

Schedule of Conditions

- 1) Application for approval of the reserved matters shall be made to the local planning authority not later than 3 years from the date of this permission. The development hereby permitted shall take place not later than 2 years from the date of approval of the last of the reserved matters to be approved
- 2) Details of the appearance, landscaping, layout, and scale, shall be submitted to and approved in writing by the local planning authority before any development takes place and the development shall be carried out as approved.
- 3) The development of the site shall not commence until a phasing plan for the development hereby approved has been submitted to and agreed in writing with the local planning authority. The development shall be carried out in accordance with the approved phasing plan, unless otherwise agreed in writing with the local planning authority.
- 4) Development shall not commence until drainage works have been carried out in accordance with details which shall have been submitted to and approved in writing by the local planning authority. No foul drainage from the development hereby approved shall be discharged other than to the main sewer. The foul water disposal shall be implemented prior to the first occupation and retained as such thereafter.
- 5) 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 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.
- 6) Prior to the commencement of the use hereby permitted the vehicular access (indicated for improvement on drawing number PL 04.) shall be widened to a minimum width of 4.5 metres and constructed in accordance with the Norfolk County Council residential access construction specification for the first 5 metres as measured back from the near channel edge of the adjacent carriageway. Arrangement shall be made for surface water drainage to be intercepted and disposed of separately so that it does not discharge from or onto the highway carriageway.
- 7) No trees or hedges shall be cut down, uprooted destroyed, lopped or topped, other than in accordance with the approved plans and particulars, without the previous written approval of the local planning authority. Any trees or hedges removed without consent shall be replaced during the next planting season November/March with trees of such size and species as agreed in writing with the local planning authority.
- 8) The development hereby approved shall accord with Section 4 Recommendations of the Phase 1 Habitat Survey December 2016 Version 3 by East Anglia Ecology.