The Planning Inspectorate

Appeal Decision

Site visit made on 19 March 2019

by Jonathan Price BA(Hons) DMS DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28th March 2019

Appeal Ref: APP/K2610/W/18/3218798
Pyehurn Farm, Pyehurn Lane, Horsford, Norwich NR10 3DY

- 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 Mrs Cooper against the decision of Broadland District Council.
- The application Ref 20172132, dated 5 December 2017, was refused by notice dated 18 June 2018.
- The development proposed is described as follows: 'Development of part of the existing site into five No. detached chalet bungalows with integral garaging. Proposal includes the provision of external garden space and communal landscaping to the east of the site to screen the neighbouring development'.

Decision

1. The appeal is dismissed.

Procedural Matter

2. The application was made in outline with details provided over appearance, layout and scale and those over access and landscaping reserved for later consideration. I have dealt with the appeal accordingly. However, I have taken account of the following additional or amended plans submitted after the application was made. These are drawing numbers P001_01 Rev D (proposed elevations, floor plans, block plan and location plan), P002 (improvements to Pyehurn Lane) and P003_Rev A (tree protection plan).

Main Issues

3. These are (i) the effect of the proposal on the character and appearance of the area and (ii) whether safe and suitable access would be available.

Reasons

Character and appearance

4. Pyehurn Lane is a public right of way (PRoW) available to pedestrians, cyclists and horse riders. It runs off the Holt Road which is the main highway spine to this relatively large, expanded village and from which development has spread either side. A large proportion of this lies to the south of Pyehurn Lane. However, backed onto by rear gardens and well vegetated to the side, this area of housing is well screened from the PRoW such that the appeal location retains a strongly rural character. Indeed, there is relatively little housing served from Pyehurn Lane itself and beyond the recently-built close of four homes it carries on through sparsely developed rural surroundings.

5. The outer edge of the development of four new homes marks the settlement limit[1] defined for Horsford. Beyond this there is an immediate change in character from suburban to countryside. Pyehurn Lane extends only a short way through the built-up part of the village from where it continues as an unmade, tree-fringed track, with a large paddock partly comprising the appeal site on one side, running through environs of a contrastingly rural appearance.

6. Although not the subject of any special protective landscape designation, the appeal site forms a component of an area of relatively tranquil and unspoilt countryside. As such it provides a visually pleasing mixture of trees, vegetation and open pasture with views of farmland beyond, away from the busy main road and where the PRoW offers recreational enjoyment to its users. Beyond the extent of existing development, the landscape here is not dominated by housing and its mainly undeveloped rural character provides valuable relief to the otherwise quite tight grain of development in the adjacent main part of the village.

7. The five chalets proposed would be served from a new access onto Pyehurn Lane. The scheme comprises a slightly larger version of the recently-built close of four dwellings it would lie immediately beyond. As such, this proposal would extend a suburban form of housing beyond the defined built-up limits of the village and into open, visually accessible and quite pleasing countryside. I am in no doubt that the relatively unspoilt rural character of this lane contributes to the recreational benefits provided to walkers, cyclists and horse riders.

8. The proposal would conflict with policies 1, 2 and 15 of the Joint Core Strategy[2] (JCS), policies GC2, GC4 and EN2 of the Development Management Development Plan Document[3] (DMDPD), the Site Allocations Development Plan Document and policies HBE3, ENV4 and ENV5 of the Horsford Neighbourhood Plan[4] insofar as these seek that the siting and design of new development protects the character and appearance of the village and its rural setting. There would, in my view, be significant harm to the rural character and appearance of this location through further housing extending beyond the clearly defined edge of this part of the village, in conflict with the aforementioned policies.

9. My findings in respect of character and appearance relate to the particular merits of this case and so are not bound by appeal decisions I have made recently in separate locations within this District. In respect of the decisions quoted in relation to small-scale housing proposals in Salhouse[5] and Blofield Heath[6] respectively, my conclusions differed from this proposal. The appellant refers specifically to the Salhouse case in relation to character and appearance. However, in respect of both of these other appeal cases, my assessments over landscape quality and the relationships of the proposals to the settlements in question differed materially from this particular case, as well as neither relating in the same way as this to a PRoW.

[1] Broadland District Council – Site Allocations DPD adopted July 2016
[2] Greater Norwich Development Partnership – Joint Core Strategy for Broadland, Norwich and South Norfolk – adopted March 2011, amendments adopted January 2014.
[3] Broadland District Council – Development Management DPD adopted August 2015
[4] Horsford Neighbourhood Plan 2018-2038 final version adopted July 2018.
[5] PINS reference APP/K2610/W/18/3196121
[6] PINS reference APP/K2610/W/18/3205832

Whether safe and suitable access

10. The single track, unmade nature of Pyehurn Lane, and its combined use as a PRoW by pedestrians, cyclists and horse-riders, makes this access less than satisfactory for serving further housing and its associated vehicular traffic movements. However, the local highway authority (LHA) has not been able to substantiate an objection provided the improvements to Pyehurn Lane shown in drawing number P002 are required through a planning condition.

11. Giving due weight to the view of the LHA, I find there to be insufficient grounds for dismissing the appeal solely on the basis of the inadequacy of access arrangements. Highway considerations therefore comprise a neutral factor in the planning balance carried out below.

Planning Balance and Conclusion

12. I have found the proposal to conflict with, amongst other policies, DMDPD GC2. This policy restricts development outside the village settlement limits to that not resulting in significant adverse impact which accords with a specific allocation and/or policy of the development plan. However, where relevant policies are out-of-date, DMDPD Policy GC1 applies the presumption in favour of sustainable development based on that retained in paragraph 11 of the most recent version of the National Planning Policy Framework[7] (the Framework). Footnote 7 to paragraph 11 of the Framework defines out-of-date to include situations where, with proposals for housing, the local planning authority cannot demonstrate a five-year supply of deliverable housing sites as set out in paragraph 73.

13. The evidence before me shows there to be common ground between the main parties in that, pending a future supply calculation, the most recent position is that against the JCS requirements there is only a 4.61 years' supply of housing land within the Norwich Policy Area (NPA), of which Horsford forms a part. This then triggers the so-called 'tilted balance' enshrined in paragraph 11 where policies are out-of-date, requiring approval of development proposals unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the Framework policies taken as a whole.

14. The Council places great weight on the evidence of the Central Norfolk Strategic Housing Market Assessment (SHMA), the most recent version of which was published in June 2017. This shows an 8.08-year housing land supply in the NPA against the SHMA assessment of Objectively Assessed Need. However, this figure has not been independently tested and, in any event, should not diminish the modest social benefits this proposal makes towards the Framework's aim to boost housing supply. In this regard the proposal could make an important contribution to meeting the housing requirements of this area as paragraph 68 of the Framework considers such small sites can often be built-out relatively quickly.

15. There would be modest local economic benefits also from the construction of the houses and expenditure of future residents, as well as the financial gains from Council Tax receipts, New Homes Bonus and CIL. The new residents would also provide support to social facilities which are within the area.

[7] National Planning Policy Framework, February 2019 (Ministry of Housing, Communities and Local Government).

16. There are environmental benefits from future occupiers being within close walking distance of local facilities, including a doctor's surgery and pharmacy, primary school, village hall, post office, convenience store and public house, as well as bus stops, and thereby not being entirely reliant on private car use.

17. The appellant has provided a Section 106 planning obligation with the appeal to make the required financial contributions towards the off-site provision of recreational open space. This meets the Council's policy requirements and adds a further small community benefit.

18. However, in all, these benefits are quite modest and would be significantly and demonstrably outweighed by the environmental harm caused by a suburban form of housing encroaching beyond the adopted village limits into adjacent countryside. When assessed in the round, this proposal would not be the sustainable development for which there is a presumption in favour of through both the development plan and Framework. I therefore conclude, for the reasons set out above, that the appeal should be dismissed.

Jonathan Price

INSPECTOR