
Appeal Decision

Site visit made on 17 September 2019

by Jonathan Price BA(Hons) DMS DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25 September 2019

Appeal Ref: APP/E9505/W/19/3220113

Nursery View, Burghwood Road, Ormesby St Michael, Norfolk NR29 3LT

- 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 G Miller against the decision of the Broads Authority.
 - The application Ref BA/2018/0259/OUT, dated 22 June 2018, was refused by notice dated 3 October 2018.
 - The development proposed is the erection of 4 no. detached dwellings of 1.5 storeys high, with garages and access.
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Decision

1. The appeal is dismissed

Procedural Matters

2. The proposal was in outline with all detailed matters reserved apart from access. An illustrative layout plan accompanied the application (drawing no 397-5) demonstrating how the site could be laid out to accommodate the proposed development. I have dealt with the appeal on this basis.
3. Since the Authority's decision and subsequent appeal, the Local Plan for the Broads (LP) was adopted in May 2019. The Core Strategy, Development Management and Site Specific plan policies referred to in the refusal notice are now superseded by those in the LP and on which this decision is based.

Main Issue

4. Whether this is an appropriate location for four dwellings, with particular regard to accessibility to services, any more suitable alternative uses for the site and potential environmental impacts.

Reasons

5. Ormesby St Michael is a small village comprising sporadic pockets of development spread mainly along the A149. The appeal site is located within a small cluster of development at the end of the village which falls within the Broads Authority area. From here the main road proceeds out of Ormesby across a causeway through to the next village of Rollesby, between the eponymous Broads.
6. The Broads Authority embraces a low lying, mainly wetland landscape. Its status is broadly the same as that of a National Park, providing the highest status of protection in relation to landscape and scenic beauty, with the conservation of wildlife and cultural heritage important considerations. This is

as set out in paragraph 172 of the National Planning Policy Framework (the Framework), which confirms that the scale and extent of development in the Broads should be limited.

7. The proposal is of such a limited scale and, set within existing development, could be acceptable in landscape and scenic respects given appropriate reserved matter details. The evidence is that the appeal site was once occupied by a commercial motor repair garage that has long since been demolished and replaced by planting. Through a Housing and Economic Land Availability Assessment¹ the Broads Authority had in 2017 considered the appeal site for residential use. This was rejected due to the lack of nearby local services and facilities.
8. LP Policy SP15 provides the spatial strategy for meeting the Broads Authority's objectively assessed housing need. This is to achieve sustainable patterns of development by concentrating this housing in locations with local facilities, high levels of accessibility and where previously developed land is utilised. In relation to a windfall proposal such as this, housing is directed to within development boundaries as detailed in Policy DM35 and is elsewhere only permitted where deemed necessary under other LP criteria, which do not apply here. The small developed part of Ormesby St Michael that is within the Broads Authority area, and where the appeal site is situated, is outside any defined development boundary. The proposal therefore conflicts with LP policies SP15 and DM35 in respect of where these direct housing.
9. As a recently adopted plan, the LP seems to be consistent with the central aim of the Framework to achieve sustainable development, including by promoting sustainable transport and managing patterns of growth in support of this. There are few services within walking distance of this site, and whilst public transport and cycling remain options, I consider future occupiers would be largely dependent on private car use to meet regularly required needs.
10. The LP follows the advice in paragraph 103 of the Framework in seeking to focus significant development in sustainable locations to limit the need to travel and offer a choice of transport modes, thus helping to reduce congestion and emissions and improve air quality and public health.
11. The Framework offers some flexibility in where housing might occur within rural areas by making no reference to settlement boundaries or restrictions on dwellings outside of these. Paragraph 103 requires that planning decisions take account of the fact that opportunities to maximise sustainable transport solutions will vary between urban and rural areas. In addition, paragraph 78 promotes growth that supports local services, noting that where there are groups of smaller settlements, development in one village may support those in a village nearby. However, taking the more nuanced approach of the Framework into account, I nonetheless find the proposal to conflict with its general aim to steer housing to where there are a good range of services nearby.
12. It would appear the former employment use of the appeal site has long been relinquished and resurrecting this might be less appropriate now given that there are established residential uses to three sides. The appeal site is clearly not currently in employment use and so I find little further harm from any

¹ Towards allocations - Housing and Economic Land Availability Assessment - Broads Authority, June 2017

conflict with LP Policy DM26 in respect of protecting general employment. There would in any case be benefits to jobs and the local economy through the construction of the new dwellings and the expenditure of households. It is debatable as to whether the site meets the Framework definition of previously developed land. However, there are advantages in this scheme using a site where a building once stood and which is within developed surroundings, as opposed to encroaching further into open countryside.

13. I also consider that any potential site contamination, with the associated risks of off-site water pollution, could be a matter suitably addressed by planning conditions. Therefore, there would be no further material harm caused by this proposal to the wider natural Broads environment, that might otherwise conflict with LP policies SP6, DM2, and DM13 insofar as these seek to protect biodiversity, water quality and the natural environment.
14. There would be modest benefits to overall housing supply deriving from this proposal which, as a small scheme, might also have the advantage of a quick build-out. However, there is not shown to be the strong need for residential development in this location such as might outweigh the policies of the LP which directs this to places with better accessibility to a wider range of services.

Conclusion

15. The material circumstances would not indicate that this proposal should be decided other than in accordance with the development plan, with which there would be clear conflict when taken as a whole. Consequently, having considered all further matters raised, I conclude that the appeal should be dismissed.

Jonathan Price

INSPECTOR