
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: 26 September 2019

Appeal Ref: APP/L2630/W/19/3222447

Land to rear of Sebald Crescent, Poringland, Norwich NR14 7GJ

- 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 Claire & Julie Ann Kittle against the decision of South Norfolk District Council.
 - The application Ref 2018/2267, dated 15 October 2018, was refused by notice dated 6 December 2018.
 - The development proposed is new chalet bungalow and a log cabin annexe.
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Decision

1. The appeal is dismissed.

Main Issue

2. Whether this would be an appropriate location for the chalet bungalow and annexe proposed, in respect of the effect on the character and appearance of the area, overall development plan policy and any other material considerations.

Reasons

3. The proposal is for the erection of a chalet bungalow with an adjacent log cabin-style annexe. The site is within open countryside, comprising paddocks, grassland, trees and vegetation, which lies adjacent to the edge of a large estate of housing.
4. Poringland is defined as a key service centre in the development plan, where housing growth has been planned for in an amount relative to the services and facilities available to support this. In this case, the development plan comprises the Joint Core Strategy¹ and the South Norfolk Development Management Policies Document² (DM).
5. Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. The National Planning Policy Framework (the Framework) is an important material consideration in planning decisions. The appellant has

¹ Joint Core Strategy for Broadland, Norwich and South Norfolk. Adopted March 2011, amendments adopted January 2014.

² South Norfolk Local Plan Development Management Policies Document – Adopted Version October 2015.

drawn my attention to a number of recent appeals³ where Inspectors have applied Framework policy and I have given these decisions careful regard. However, it also remains necessary, in applying Framework considerations, to assess each proposal on its own, individual merits.

6. Access to the site is from a quite long private drive leading from the housing estate. At the time of my visit access to this drive was precluded by that part of the estate being under construction and blocked off. Nevertheless, the appeal site was viewed clearly from an adjacent point along Sebald Crescent where the housing is occupied and estate road accessible.
7. Currently, the mainly open countryside in and around the appeal site provides visual relief and an open setting to the adjacent, densely built suburban housing estate. This development has a straight and clearly defined edge running alongside the contrastingly open countryside where these dwellings are proposed. In such a position the two dwellings would not relate well in visual terms with the more compact and coherent form and character of the adjacent estate. There are other examples of sporadic buildings within this wider area of countryside, but these do not provide support for a similar development.
8. The appellant refers to the Council having found an earlier proposal for 19 dwellings on the same side of Sebald Crescent acceptable in landscape terms. I do not have details of this proposal before me but from what I can glean from the evidence that was a balanced decision. It was based on affordable housing benefits that appear not to have been secured such that planning permission was not forthcoming. This other proposal is also materially different in relating to significantly more houses. For these reasons, this other scheme provides limited material weight in favour of this smaller and more piecemeal proposal.
9. The new chalet bungalow and a log cabin annexe would appear highly incongruous as a stark incursion of development into otherwise open countryside, beyond what is presently a clearly defined built-up edge. As a consequence, the proposal would conflict with DM policies 3.8 and 4.5 which seek positive improvements from all development that protect and enhance locally distinctive landscape character.
10. DM Policy 1.3 focuses new development to within the development boundary defined for Poringland. The appeal site lies immediately outside this boundary where DM 1.3 only permits development in cases where other policies allow for such a location or where overriding benefits in terms of economic, social and environment dimensions are demonstrated, as addressed in Policy 1.1. No other policies are cited in support of the proposal being outside the development boundary and so this therefore takes me to the terms of DM Policy 1.1.
11. DM Policy 1.1 applies a presumption in favour of sustainable development similar to that contained in paragraph 11 of the Framework. At the time of the decision the Council were not claiming to be able to demonstrate a five year supply of deliverable housing sites. The decision therefore undertook the so-

³ APP/W3520/W/17/3174838 Old Newton IP14 4EU, APP/D3505/W/17/3182786 Land South of No. 1 Barnfield Cottages, Upper Street, Stanstead, Suffolk CO10 9AU, APP/W3520/W/17/3176324 Land at Stoke Road, Thorndon, Eye IP23 7JG, APP/W3520/W/17/3175002 Barnacre (land to the rear of), Worlingworth Road, Horham, Suffolk, IP21 5ER, APP/W3520/W/18/3194926 Woolpit, Suffolk

called tilted balance and, in the third reason, found this not to weigh in favour of the proposal as the adverse impacts of approving the development would significantly and demonstrably outweigh the benefits provided.

12. In respect of giving weight to the Framework, it is necessary to consider whether the development plan policies most relevant for determining this application are out-of-date in comparison. I consider these to be those policies referred to in the Council's decision. DM policies 3.8 and 4.5 remain consistent with the Framework in respect of achieving well-designed places and recognising the intrinsic character and beauty of the countryside. DM Policy 1.3 is also broadly consistent with the Framework objectives for sustainable development by actively managing patterns of growth to focus significant development on locations which are or can be made sustainable.
13. I do not interpret Framework paragraph 79 to imply that the proposal has to be isolated in order for restrictive policies to apply. In this case, the intention of DM Policy 1.3 is to focus the housing growth planned for Poringland to within the built-up settlement and the allocated areas. Neither do I find DM Policy 1.3 out of date with regard to the advice in the Planning Practice Guidance⁴ as it does not apply a blanket restriction on development in this settlement, given that there is land allocated for housing.
14. The social and economic benefits of a dwelling and annexe are small. Even accounting for this as a readily-deliverable, self-build opportunity, with relatively good accessibility to services and facilities, the environmental harm found in respect of character and appearance would still significantly and demonstrably outweigh these minor benefits. Therefore, even if there was an ongoing failure to demonstrate a five year supply of deliverable housing sites, this proposal would not be the sustainable development for which there is a presumption in favour of through DM Policy 1.1 and paragraph 11 of the Framework.

Conclusion

15. I do not find there to be material considerations to indicate this scheme be decided otherwise than in accordance with the development plan. There would be clear conflict with policies both over the location of housing and its effect on the character and appearance of the area. Therefore, I conclude that the appeal should be dismissed.

Jonathan Price

INSPECTOR

⁴ Paragraph: 010 Reference ID: 67-010-20190722