



Appeal Decision

Site visit made on 30 September 2019

by Graham Chamberlain BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 7th October 2019

Appeal Ref: APP/L2630/W/18/3218706

Land adjacent Moorlands, Norwich Road, Dickleburgh, Norfolk IP21 4NS

- 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 Derek Lock against the decision of South Norfolk District Council.
 - The application Ref 2018/1884, dated 23 October 2018, was refused by notice dated 16 October 2018.
 - The development proposed is described as 'The erection of 1 No. self-building dwelling. The proposal promotes sustainable architecture and low energy use through a design that incorporates Passivhaus standards. The design further incorporates a practical energy plan for the house which utilises the most modern energy generating practices and conservation principles and consequently the house is carbon negative'.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The site visit procedure was altered from an access required site visit to an unaccompanied visit because the appellant was not present at the prearranged time and I was able to see all I needed to from public land.

Main Issues

3. The appellant has submitted a preliminary ecological assessment with the appeal. The Council has confirmed that this has satisfied its concerns expressed in the fifth reason for refusal, by demonstrating that any impacts on biodiversity can be avoided or mitigated. Furthermore, the appellant has confirmed the proposal is not being promoted as an outstanding or innovative home pursuant to Paragraph 79 of the National Planning Policy Framework (the 'Framework'). The Council's reference to a risk from flooding in its last reason for refusal is erroneous, as the Officer's report confirms this is an issue which can be dealt with through the imposition of a planning condition in the event the scheme was otherwise acceptable. Thus, I have not considered these matters further as they are not in dispute.
4. Accordingly, the main issues in this appeal are: 1) The effect of the proposed development on the character and appearance of the area; and 2) Whether the appeal site is a suitable location for the appeal scheme, with particular reference to development plan policies concerned with the location of new residential development.

Reasons

The effect on the character and appearance of the area

5. The appeal site is located on the eastern side of Norwich Road opposite a short section of ribbon development. It encompasses a small parcel of grassland and scrub partially enclosed by boundary trees and backs onto Dickleburgh Moor, which is an open area of historic grassland currently grazed by horses. There is a detached house to the immediate south of the appeal site, but it is otherwise largely viewed from Norwich Road in the context of the open grassland to the east. The traditional open landscape of the Moor is a characteristic of the Wavenery Tributary Farmland Landscape Character Area. The openness and verdant appearance of the appeal site and the eastern side of Norwich Road contribute to the attractive landscape setting and rural appearance of the Moor.
6. In isolation, the design of the proposed dwelling is interesting, suggesting the use of simple articulated forms and good quality materials. The dwelling would sit in line with Moorland and would be proportionate in size to the plot. The green roof, wild flower meadow and timber boarding would afford the dwelling a rural appearance that would soften its presence over time. The white render would be less successful in this respect and the integral garage would engender a suburban appearance. Whilst commendable, it is not innovative or outstanding to design a dwelling to meet a pre-existing measurable housing standard such as Passivhaus. Nevertheless, the architecture would be of a good quality overall.
7. That said, the proposal would necessitate a hardened vehicular access being provided into the site. This, along with the physical presence of the dwelling, the residential curtilage and the associated domestic paraphernalia would urbanise the site and significantly harm its open and rural appearance. The dwelling would also directly contradict Section 5 of the Site Specific Allocations and Policies Document 2015, which specifically states that further residential development at Dickleburgh Moor would be detrimental to the rural character of the area. The appeal scheme would also intensify development on the eastern side of Norwich Road by filling an existing undeveloped gap.
8. Thus, I share the view of a previous Inspector¹, which is still relevant even though the scheme has been redesigned and reduced in scale, that the introduction of a building at the appeal site would harmfully obstruct views of the Moor. The retention of the remaining boundary hedge and trees would not mitigate this adverse impact as the dwelling would still be highly visible in foreground views from Norwich Road. The quality of the architecture would not outweigh the harm that would occur to views of the Moor.
9. I therefore conclude that the proposal would significantly harm the rural character and appearance of the area placing it in conflict with Policy 2 of the Joint Core Strategy (JCS) and Policy DM 4.5 of the South Norfolk Local Plan Development Management Policies Document (DMP), which seek to secure development that protects local character and the landscape.

Whether the proposed dwelling would be in a suitable location

10. Policy DM 1.3 of the DMP sets out a planned strategy for development in the district. It flows from the policies of the JCS and seeks to guide new

¹ In appeal decision APP/L2630/W/16/3156435

development to the defined settlements so as to protect the countryside and promote sustainable patterns of development. The proposal is for the erection of a detached dwelling that would be located outside any settlement boundary established for the purposes of applying the policies of the DMP.

11. Policy DM1.3 states that development outside development boundaries will only be granted where specific development management policies allow for it or there are overriding benefits in terms of the economic, social and environmental dimensions of the proposal. I have not been directed to any definition of what an overriding benefit would be, but it is reasonable to interpret this phrase as meaning the benefits need to be more important than any other consideration. This is unlikely to be a common occurrence.
12. Nothing of substance has been submitted by the appellant to suggest the proposal would adhere to a specific development management policy which permits housing in the countryside. As such, the proposal fails to adhere to Policy DM 1.3 c). When turning to the Policy DM 1.3 d), the appeal scheme would deliver several benefits as it would be a windfall development which would support the local economy through construction jobs and the circulation of funds. However, the benefits flowing from a single dwelling would be very modest in this respect. The same would apply to any boost in housing supply, which would be limited. This would be the case even if the shortfall in housing delivery suggested by the appellant is accurate. The proposal could also support the vitality of the local community, but this is a matter of limited weight in the absence of evidence outlining the practical local effect.
13. The appeal site is located about 1km north of the facilities available in Dickleburgh, which includes a school, church, garage and shop. There is a pavement linking the appeal site to the village so future residents of the appeal scheme would be able to access facilities via a safe and comfortable walk. Cycling would also be an option given the modest distance into the village. Accordingly, the appeal site is not remote in a rural context and would encourage sustainable transport even though a car would still be necessary for many journeys. Overall, the proposal would not conflict with the objectives of Policy DM 3.10 of the DMP, but this is to be expected and is therefore a neutral matter rather than a benefit.
14. The appeal scheme could be a self-build project and the Framework requires local authorities to positively plan to support this type of development. However, I have seen no evidence that the local need for self-build plots could not be met through proposals consistent with existing development plan policies. The emerging Dickleburgh and Rushall Neighbourhood Plan may include sites for self-builders. Accordingly, this is a limited benefit.
15. The proposal could result in some benefits to biodiversity, but this has not been quantified and is unlikely to be significant given the scale of the proposal and modest size of the site. The positive energy performance and sustainability credentials of a single dwelling only attracts moderate weight as a benefit.
16. Thus, the appeal scheme would have moderate economic, environmental and social benefits. These would not be more important than the harm I have identified to the character and appearance of the area and the conflict with the Council's broad strategy to direct development to defined settlements. Thus, the benefits cannot be overriding. As such, the appeal scheme would be

contrary to Policy DM 1.3 of the DMP. This is a notable failing in in a planning system that should be genuinely plan led.

Other Matters

17. The housing requirement in Policy 4 of the JCS is similar to the objectively assessed need in the most recently available evidence². This suggests the housing requirement has not been overtaken by events even though it is historic and based on an old methodology. Meeting this housing target has been, and is likely to be, challenging. But the evidence before me does not suggest it is undeliverable, with recent housing delivery being quite buoyant. Policy 4 does not define affordable housing so this term can be considered with reference to the up to date definition in the Framework. The requirement for affordable housing on schemes of 5-9 homes is not consistent with the Framework but this does not render Policy 4 out of date when taken as a whole, as this is a discrete requirement that can be read separately. Accordingly, Policy 4 is not out of date.
18. Instead, the policies concerned with the locational acceptability of the appeal scheme and its effect on the character and appearance of the area are the most important to the determination of this appeal. In this respect, Policies DM 1.3, DM3.10 and DM4.5 of the DMP and Policy 2 of the JCS are consistent with the Framework. As a collective basket, these are the policies most important to determining the application and they are not out of date. Therefore, Paragraph 11 d) of the Framework is not engaged for this reason.
19. My attention has been drawn to another appeal decision³ that suggests the Council can demonstrate a five-year housing land supply of around 6.63 years. However, the appellant has cast some doubt on the relevance of this as an up to date position. This is because the Council's assessment of supply does not appear to be based on clear evidence of deliverability pursuant to the definition in the Framework and it takes a five-year base date from April 2018 instead of April 2019. The appellant suggests the supply could be nearer to 3 years.
20. Notwithstanding the above, even if the tilted balance was engaged and I accepted the supply was as low as that suggested by the appellant, the adverse impacts of the proposal, particularly the impact on the character and appearance of the area, would significantly and demonstrably outweigh the benefits, which I have already outlined and found to be of moderate weight. This does not suggest the proposal should be determined other than in accordance with the development plan.

Conclusion

21. The proposal would be contrary to the development plan and there are no other considerations which outweigh this finding. Accordingly, for the reasons given, the appeal should not succeed.

Graham Chamberlain
INSPECTOR

² The Strategic Housing Market Assessment dated June 2017

³ APP/L2630/W/19/3226079