



Appeal Decision

Site visit made on 30 September 2019

by Conor Rafferty LLB (Hons), AIEMA, Solicitor (Non-practising)

Decision by Ahsan U Ghafoor BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 October 2019

Appeal Ref: APP/L2630/W/19/3234419

The Old Blacksmith's Forge site, Picton Road, Tharston, Norwich, NR15 2YD

- 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 Peter Hubbard against the decision of South Norfolk Council.
 - The application Ref 2018/2864 dated 2 January 2019, was refused by notice dated 25 February 2019.
 - The development proposed is described on the application form as the erection of one self-build retirement property within the village of Tharston fitted with PV power generating panels plus ground source water heating system.
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Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Procedural Matters

3. The application submitted was for outline planning permission with all matters reserved for future consideration. A drawing showing the site location was submitted with the application, to which regard has been had in this recommendation.
4. In its reasons for refusal the Council stated that an ecology report or similar was not submitted with the application and therefore the Council was unable to assess whether the development would result in any ecological impacts. A report has since been submitted and the Council has confirmed that it is satisfied with the contents such that this reason for refusal has been adequately addressed.

Main Issue

5. These are as follows: (i) whether the site would be a suitable location for this residential development having regard to the access to facilities and services; and (ii) the effect of the proposed development on the character and appearance of the surrounding area.

Reasons for the Recommendation - *Suitable location*

6. The appeal site is located on a corner plot on Picton Road, outside the settlement boundary of Long Stratton village but within the Long Stratton Area Action Plan boundary, which is part of the Norwich Policy Area. It comprises an overgrown brownfield site most recently used for pheasant rearing which, among the remnants of a fruit orchard,

currently contains concrete foundations and a small building. The site is located opposite The Old Forge residential cottage and Picton Farm and is bounded to one side by horse grazing fields. A public right of way runs alongside the site and connects at various locations to a Neighbourhood Green Infrastructure Corridor.

7. The proposal relates to the erection of a self-build residential property at the site, to be fitted with photovoltaic power generating panels and a ground source water heating system. In accordance with Policy DM 3.10 of the South Norfolk Local Plan Development Management Policies Document October 2015 (the DMP), such development should seek to utilise all opportunities to integrate with local sustainable transport networks and should be designed to maximise the use of these networks so as to reduce the need to travel. Furthermore, Policy 1 of the Joint Core Strategy for Broadland, Norwich and South Norfolk, adopted March 2011 (the JCS) seeks to address climate change by linking development growth with proximity to public transport and a reduced need to travel, as does JCS Policy 6 by encouraging walking and cycling.
8. The centre of Long Stratton contains ample services and facilities for nearby residential properties. However, depending on the route taken it is located between approximately 1.1km and 1.8km from the site. The first option would include use of the public right of way beside the site, and a section of the vehicular highway along the Neighbourhood Green Infrastructure Corridor. While this offers some degree of connectivity to Long Stratton without the need of private mode of transportation, this route would contain areas without suitable pavements and involve travelling along part of the highway with a speed limit of 60 miles per hour. Accordingly, it would be unlikely that pedestrians or cyclists would regularly favour this route, particularly in hours of darkness, due to the unlit nature of the public right of way and the potential for high speed traffic along the highway.
9. The second option for accessing Long Stratton involves travelling along Picton Road and Swan Lane. Due to the winding nature of the road and the possible high speeds of vehicles it is also unlikely residents at the proposal would choose to walk or cycle this route. A bus stop is present on the route at the corner of Picton Road, where services allow access to the centre of Long Stratton. However, the journey from the site to the bus stop involves travelling along a narrow road with passing points for two way traffic, with limited pavement options.
10. The village of Tharston would be located closer to the proposal than Long Stratton, at approximately 1.2km from the site. However, a similar lack of pavements exist on the main route from the site to this village, and it is acknowledged by the appellant that there are limited services at this location.
11. It is recognised that, in accordance with paragraph 103 of the National Planning Policy Framework (the Framework), opportunities to maximise sustainable transport solutions will vary between urban and rural areas. It is also not considered that the proposal would comprise an isolated home under the terms of the Framework due to its proximity to the nearby Old Forge dwelling. Nonetheless, due to the distance from the site to the nearest services and facilities future occupiers of the proposed development would have a heavy reliance on the use of the private car to access the facilities of Long Stratton. The location of the site is on a narrow road with no footpaths or street lights which would not encourage walking or cycling to either the village centre or the other modes of public transportation available.
12. For the above reasons, the proposed development would not be in a suitable location for new housing. It therefore fails to comply with Policies 1 and 6 of the JCS and Policy DM3.10(1) of the DMP.

Character and Appearance

13. The area surrounding the site is characterised by its rural and agricultural feel, with a mixture of overgrown sites and sprawling, well-kept fields. Pockets of residential development are also present in the area, including the Old Forge. The site is currently heavily overgrown and contributes positively to the rural character of the area in this regard.
14. It is agreed between the parties that due to the outline nature of the application there is no information on the final scale and appearance of the proposal, but that the development will require the removal of some trees at the site, none of which benefit from protection orders. However, the appellant has stated that screening will be retained at the site where possible.
15. Nonetheless the development of a residential dwelling at the site would appear incongruous in the immediate setting. The site is in a prominent corner plot location and currently has a decidedly countryside feel due to the dense vegetation present. The public right of way along the side of the site is currently bounded by rural plots, to include the site, an open field and the nearby horse grazing facilities. The introduction of the proposal at this location would be at odds with the nature of the immediate vicinity, particularly as experienced by the users of this public right of way.
16. It is acknowledged that the residential Old Forge building is located across the street from the site. However, on the southern side of Picton Road, where the proposal would be located, residential development is centred further west towards the junction with Forncett Road. The remaining southern side of Picton Road is characterised by its open nature and relatively undeveloped fields. Introducing the proposal in this location would not make a positive contribution to the immediate character and distinctiveness.
17. For the above reason the proposed development would fail to respect the character and appearance and would therefore not be in accordance with Policy 2 of the JCS and Policies DM1.4((d(i))) and DM3.8 of the DMP.

Other considerations

18. In its reasons for refusal the Council exercised the tilted balance required by paragraph 11 of the Framework on the basis that it could not demonstrate a 5 year housing land supply at the time it made its decision. However, as part of the appeal the Council has referred to a draft Housing Land Supply Statement for Greater Norwich dated 12 April 2019. This covers the period from 2018/19 to 2023/24 and demonstrates a housing land supply of 6.63 years. This statement comprises evidence that the Council can demonstrate a five year supply of deliverable housing land. Furthermore, the appellant has since raised that the Joint Core Strategy Annual Monitoring Report (the AMR) was published on 17th September 2019 and demonstrated a five year supply of deliverable housing land. While the appellant has relayed the concerns of Norwich City Council relating to the AMR, Norwich City Council are not a party to this appeal and the AMR remains valid. There is no substantive or robust basis to conclude that the Council does not have a deliverable 5 year housing land supply at this particular point in time.
19. The appellant has argued that the tilted balance should also be engaged as the JCS was adopted in March 2011 and is over five years old, making it out of date. However, in accordance with paragraph 213 of the Framework, due weight should be given to policies according to their degree of consistency with the Framework. The policies which are most important for determining this appeal are those which have been cited by the Council in its decision notice, being Policies 1 and 6 of the JCS and Policy DM3.10(1) of the DMP with

regards to sustainability and Policy 2 of the JCS and Policies DM1.4((d(i))) and DM3.8 of the DMP with regards to character and appearance. All of these policies, including those in the JCS, are broadly consistent with the aims of the Framework.

20. The appellant asserts that the development plan is silent on self-build and as such there are no relevant development plan policies so the tilted balance at paragraph 11(d) must be engaged. However, the general policy framework in the JCS and DMPD do not preclude the opportunity for sustainably located self-build development. Consequently, the relevant development plans policies most important for determining this appeal remain up-to-date. It is not necessary to engage the tilted balance at paragraph 11 of the Framework. Where the development plan is up to date, Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that this appeal be determined in accordance with the development plan unless material considerations indicate otherwise.
21. Overall, and for the reasons given above, the proposal would be contrary to up-to-date development plan policies. There are no material considerations that warrant a decision other than in accordance with the development plan. For the avoidance of doubt, in the event that there were no relevant development plan policies, the policies most important for determining the appeal were out-of-date, or the Council had been unable to demonstrate a 5 year housing land supply, it considered that the adverse impacts of granting permission significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework as a whole. It is recognised that the proposal is a self-build dwelling and that it would contribute to the local community and economy, assist in furthering the housing land supply in the area and enhance biodiversity at the site. However, as it is a single dwelling, the contribution it could make in these respects is limited. Limited weight is attached to these benefits, which would not outweigh the harm identified above.
22. The personal circumstances of the appellant are also acknowledged, whereby the proposal would permit the appellant to live close to their family and business following retirement. However, such circumstances can be afforded little weight in planning terms, and do not override the other considerations identified in this recommendation.
23. The appellant has also referred to other appeal decisions and similar development in the surrounding area. While these are acknowledged this proposal should be assessed on its own site-specific circumstances.

Conclusion and Recommendation

24. Having had regard to all matters raised, I recommend that the appeal should be dismissed.

C Rafferty

APPEAL PLANNING OFFICER

Inspector's Decision

25. I have considered all the submitted evidence and the Appeal Planning Officer's report, and, on that basis, I too agree and conclude that the appeal should be dismissed.

A U Ghafoor

INSPECTOR