
Appeal Decision

Site visit made on 22 October 2019

by Andrew Smith BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21 November 2019

Appeal Ref: APP/K2610/W/19/3234433

Barn Court, 6 Back Lane, Old Rackheath NR13 6NN

- 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 Anthony Bell against the decision of Broadland District Council.
 - The application Ref 20190892, dated 30 May 2019, was refused by notice dated 25 July 2019.
 - The development proposed is described as: 'the erection of 1no self-build dwelling on land at Barn Court, Old Rackheath, within the District of Broadland. Plans have been submitted alongside this Appeal that demonstrate that the site can be developed in a satisfactory manner and without overriding harm to the character and appearance of Back Lane'.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. Whilst I have noted the description of development as set out on the application form, I have assessed the proposal based on the description as stated on the Council's Decision Notice. This is both neutrally worded and concise. For the avoidance of doubt, the proposal is for the erection of 1no self-build dwelling.
3. The appeal proposal is for outline planning permission with all detailed matters reserved for future approval. Whilst not formally part of the scheme, I have treated the details relating to the matters reserved for future approval submitted with the appeal application as a guide to how the site might be developed.

Main Issues

4. The main issues are:
 - Whether the appeal site represents an appropriate location for housing, having particular regard to access to facilities and services; and
 - The effect upon the character and appearance of the area.

Reasons

Whether an appropriate location for housing

5. The appeal site is located at the southern end of a row of properties that front Back Lane. There is a further cluster of development nearby that primarily fronts Wroxham Road to the east. Policy GC2 of the Development Management Development Plan Document (adopted August 2015) (the DMDPD) sets out that new development, unless according with a specific allocation or policy otherwise, will be accommodated within settlement limits. The site is located remote from the defined limits of any settlement and no allocation or other policy that supports residential development on the appeal site has been drawn to my attention.
6. Policy GC2's supporting text explains that a settlement hierarchy is in place that fundamentally seeks to focus residential developments in settlements which are well-linked and well-related to existing development, services, facilities and employment opportunities.
7. Apart from a nearby public house and a bus stop on Wroxham Road, the site is located a significant distance from the nearest local facilities and services. These are contained within the settlements of Wroxham (a designated Key Service Centre), Salhouse and New Rackheath. The Wroxham Road, which I observed to be heavily trafficked, would need to be used to access any of these nearest settlements. For long sections the road is both unlit and not served by a footpath such that it is a route not well suited for walking or cycling along. These sustainable modes of travel would thus be unrealistic options for future occupiers of the development in order to satisfy their day-to-day needs.
8. Whilst full details are not before me, it is my understanding that multiple bus services running to destinations such as Wroxham and Norwich operate from the nearest bus stop to the site. In light of my findings with respect to the walkability and cyclability of surrounding settlements, future residents of the development would be heavily reliant on this service provision should they wish or require to access surrounding facilities and services by means other than via private travel modes. It would be unlikely that future occupiers of the development would seek to, or be conveniently able to, depend solely on local bus services to fully satisfy their day-to-day needs.
9. The site sits adjacent to existing residential development such that it is not isolated in a purely physical sense. However, I do not accept that the principle of development is firmly established because of this. The site is situated far beyond the defined development limits of the nearest villages and thus in an area where no other similar development is expected. Whilst the National Planning Policy Framework (February 2019) (the Framework) says that sustainable transport solutions will vary between urban and rural areas, and this should be taken into account in decision-making, I find that the appeal site does not represent an appropriate location for housing, having particular regard to access to facilities and services. Indeed, the proposal conflicts with Policy GC2 of the DMDPD in so far as it requires that new development is accommodated within defined settlement limits.

Character and appearance

10. The appeal site is comprised of a relatively small area of grassed land. It is situated at the end of a row of similarly laid out residential plots and the construction of a single dwelling upon it would be expected to respect the existing pattern of development that is in place along Back Lane.
11. The site, being setback from Wroxham Road, is visible from a limited range of public viewpoints. This is particularly given the presence of strong landscaped buffers at or in proximity to several of the site's boundaries. Furthermore, from inspection, only very occasional fleeting views of the site were available from Swash Lane to the southwest due to intervening hedgerow. These views were, in any event, against the backdrop of neighbouring built development. Notwithstanding the site's location outside of any defined settlement limits, I am satisfied that the proposal would not appear as an unduly prominent or harmful excursion into the open countryside.
12. For the above reasons, the proposal would not cause harm to the character and appearance of the area. The proposal accords with Policy GC4 of the DMDPD in so far as it requires that proposals should pay adequate regard to the environment, character and appearance of an area. I also find no conflict with Policy 2 of the Joint Core Strategy for Broadland, Norwich and South Norfolk (adopted March 2011, amendments adopted January 2014) (the JCS) in so far as it requires that development proposals shall respect local distinctiveness and the landscape setting of settlements.

Other Matters

13. It is disputed by the main parties to this appeal whether the Council can currently demonstrate a five-year supply of deliverable housing sites. As the JCS's housing requirements are now more than five years old, housing land supply will, as laid out in the Framework, be measured against the area's local housing need calculated using the standard method set out in the Planning Practice Guidance. It has come to my attention that a version of the Annual Monitoring Report of the Joint Core Strategy for Broadland, Norwich and South Norfolk for 2017-18 (the AMR) has been published. As part of the AMR supply has been measured against local housing need using the standard methodology across the Greater Norwich area and a housing land supply figure of 6.54 years has been calculated.
14. A relatively recent appeal decision¹ from May 2019 in the South Norfolk District has been put before me where the Inspector found that the Council in that case had been unable to establish its then claimed housing land position when considered against the terms of the Framework. However, as was not the case then, the latest assessment of housing land supply that is before me is contained within a published annual position statement. It is unclear from the evidence before me whether the figures contained within the AMR have been independently assessed or tested. However, having considered all submissions before me and noting that no challenge has been put to the actual calculations contained within the AMR, I have taken the Council's position as the best available evidence.

¹ APP/L2630/W/18/3209464

15. Whilst I have found that the Council can demonstrate a five-year supply of deliverable housing sites, I must also consider the proposal in the context of it being for a self-build dwelling. The Framework sets out that the size, type and tenure of housing needed for different groups in the community, including people wishing to commission or build their own homes, should be assessed and reflected in planning policies.
16. The Council, in accordance with the Self Build and Custom Housebuilding Act 2015, has kept a register of those seeking to acquire serviced plots for their own self-build and custom house building. Indeed, the Council's submitted figures illustrate that, since their monitoring began in 2016, the number of permissions granted for self-build plots has exceeded the number of entries on their register of those seeking to acquire such plots. Nevertheless, no specific policies or allocations for self-build housing have been drawn to my attention. The development plan, from the evidence before me, does not make provision for self-build housing. Whilst self-build houses could come forward on individual sites such as the appeal site, and as part of wider housing allocations, there is no policy in place to ensure that a supply to meet local need continues to be met. This is at odds with the requirements of the Framework.
17. A previous 2015 appeal decision² in the South Norfolk District has been drawn to my attention where the Inspector found that the development was silent on self-build housing proposals such that the presumption in favour of sustainable development, as set out in the Framework, was engaged. However, at that point in time an earlier version of the Framework was in place. Paragraph 11 of the current Framework sets out that the presumption could apply where there are no relevant development plan policies, or where the policies most important for determining the application are out-of-date. Similarly, Policy GC1 of the DMDPD, which also relates to the presumption in favour of sustainable development, refers to no relevant policies or relevant policies being out-of-date at the time of making a decision.
18. In this instance there are relevant development plan policies in place, as referenced in my reasoning above. To my mind the policies most important for determining the proposal are Policies GC2 and GC4 of the DMDPD and Policy 2 of the JCS. These are policies that are broadly consistent with the Framework. Whilst I acknowledge that these policies make no provision for self-build housing, I consider that, when taken as a whole, they are not out-of-date. I have not therefore applied the presumption in favour of sustainable development as set out in paragraph 11 of the Framework.
19. In terms of the scheme's benefits, it would deliver an additional housing unit that would be expected to be able to be delivered quickly in line with the Framework objective of significantly boosting the supply of homes. The proposal would create jobs during the construction phase and provide support to the local economy and local facilities once occupied, including within local villages nearby. However, these benefits would be limited given the small scale of development under consideration. Furthermore, the Council has submitted that the number of permissions already granted for self-build plots has exceeded the level of demand registered. This has not been challenged

² APP/L2630/W/15/3005707

and I thus afford limited weight to the benefit of the proposal specifically catering for people wishing to build their own homes.

20. I have found that the appeal site does not represent an appropriate location for housing, having particular regard to access to facilities and services. The scheme conflicts with the District's identified settlement hierarchy and would relate poorly to existing settlements that contain a wide range of facilities and services. Thus, future occupiers of the scheme would realistically be heavily dependent on private modes of transportation in order to meet their day-to-day needs. The harm I have identified would be significant and outweigh the proposal's benefits. The proposal conflicts with the development plan and material considerations do not indicate a decision otherwise.

Conclusion

21. For the reasons set out above, the appeal is dismissed.

Andrew Smith

INSPECTOR