



Appeal Decision

Site visit made on 12 September 2019

by Robert Fallon B.Sc. (Hons) PGDipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 December 2019

Appeal Ref: APP/L2630/W/19/3227573

Land north of Bunwell Hill, Bunwell, Norfolk, NR16 1RZ

- 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 Ms Carolyn Larkin against the decision of South Norfolk District Council.
 - The application Ref 2018/2259 dated 23 October 2018, was refused by notice dated 18 December 2018.
 - The development proposed is described on the application form as "A self-build house to the rear of Hillcrest, Bunwell Hill, NR16 1RZ".
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Decision

1. The appeal is dismissed.

Main issues

2. Within the context of the Council's reasons for refusal and the evidence in this case, the main issues are:
 - the effect of the development on the character and appearance of the area;
 - whether the development is in an appropriate location, with particular regard to the adopted development plan sustainable location strategy and access to services and facilities.

Reasons

Appeal site context

3. The appeal site lies within Bunwell Hill, a small hamlet within the Parish of Bunwell ('the Hamlet'), which is characterised by its linear form and houses fronting onto both sides of a narrow country lane in a single file, with varying depths of front garden. The settlement is distinct and separate from the village of Bunwell, which lies to the north and is designated as a Service Village by Policy 15 of the Core Strategy¹.
4. The appeal site forms the western half of a grass field and contains a small number of single storey shed-like structures which the appellant states are used for the storage of logs for forestry purposes. The field is enclosed by a mixture of timber fencing, mature hedgerows and trees.

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

Character and appearance

5. The proposed development would be heavily at odds with the prevailing linear settlement pattern as it would be set behind the existing built-frontage and not directly front onto the highway. Furthermore, its large private garden would constitute a significant projection into the countryside, which would, by reason of its appearance and associated residential paraphernalia, intensify the scheme's harmful impact on the rural character and appearance of the area.
6. The development would accordingly result in a substantial change to the countryside character of a site that provides an important transition between this small settlement cluster and the wider countryside beyond. As a consequence, the proposed development would be discordant and harmful to the established character of the area. I also have significant concerns that the scheme would so fundamentally change the character of the field that it would make it difficult to resist subsequent applications for residential development on the eastern half and beyond this behind other properties that front onto the highway.
7. Although there were a number of small shed-like structures at the time of my inspection, the site retained a strong countryside character, quite different to that which would be created by a new residential dwelling and garden. In view of the appellant's evidence relating to its use, I do not consider the site to constitute previously developed land as the Framework clarifies at Annexe 2 that this definition excludes land that is or was last occupied by forestry buildings. In any event, even if the site was not a forestry use and did constitute previously developed land, its current appearance is not harmful to the character of the area and does not therefore justify the visual harm associated with the proposed scheme.
8. The appellant has referred to the scheme's visual impact being mitigated by existing landscaping. However, I do not consider the screening of a development by landscaping to be a sound basis upon which to justify an otherwise harmful visual impact as this could be repeated too easily and often for all forms of poor quality development.
9. In view of the above, it is my view that the development would be harmful to the settlement pattern and character of the village. The proposal would therefore conflict with Policies DM 3.8 and DM 4.5 of the Local Plan², which collectively seek to ensure, amongst other things, that new development protects and enhances the environment, locally distinctive character and the immediate landscape.
10. I also find that the scheme conflicts with Paragraphs 127 and 130 of the Framework³ which collectively seek, amongst other things; (a) development that is sympathetic to local character; (b) schemes that establish or maintain a strong sense of place using the established pattern of buildings, streets and spaces; and (c) the refusal of permission for poorly designed development that fails to take the opportunities available to improve the character and quality of an area.

² South Norfolk Local Plan, Development Management Policies Document, Adoption Version October 2015, South Norfolk Council.

³ National Planning Policy Framework, Ministry for Housing, Communities and Local Government, February 2019.

Whether the development is in an appropriate location

11. The Council states that the appeal site falls within the countryside for planning purposes and not within any identified development boundary, which is not disputed by the appellant. Policy DM 1.3 of the Local Plan sets out a sustainable location strategy for new development which restricts development in the countryside outside the defined development boundaries of settlements unless specific development management policies allow, or it can be demonstrated that there are overriding benefits in terms of economic, social and environmental dimensions as addressed in Policy DM 1.1.
12. There is no evidence before me that the scheme falls within any categories of development that are deemed permissible by specific development management policies. However, the appellant asserts that the scheme provides overriding benefits in terms of economic, social and environmental dimensions.
13. I recognise that the development would be in close proximity to other dwellings and not be physically isolated. However, this does not mean that it would be sustainable in terms of access to shops, services, community facilities and transport choices other than the private car, or that it should be approved.
14. Based on the evidence before me and my observations on site, the Hamlet contains no day to day facilities and falls some distance away from the local primary school, village hall and other nearby villages which have other facilities, such as Bunwell, Long Stratton and Attleborough. Although some of these settlements could be reached by cycling, there is no interconnecting footway to them to enable safe walking by future occupants. In any event, I would only expect a small proportion of trips to be made in this way given the intervening distance and time it would take.
15. The appellant states that pedestrians could use public rights of way across fields to access services and facilities, but it is not clear whether their surface would allow for a wide range of users, such as children in pushchairs or those with disabilities that rely on mobility scooters. In any event, I am not of the view that sharing a narrow unlit vehicular highway and using an isolated unlit path would be attractive to future occupiers for day-to-day amenity needs, whether on foot or using a cycle, especially at night. As a consequence, the development would result in future occupiers being heavily reliant on the private motor car to access a range of other rural towns and villages further afield for access to shops, services and community facilities. There are also no details before me that would indicate the presence of a sufficiently frequent local bus service to these other settlements to significantly diminish the reliance of future occupiers on the private motor car.
16. I recognise that in rural locations access to sustainable rural transport solutions will be typically less than that of an urban area and that development in one village may support services in another nearby. However, in this case, I found the overall level of day-to-day access to shops, services and community facilities by walking, cycling and public transport to be of such a poor standard, and consequential reliance on the private motor car to be so high, that I consider the appeal site's location to be inappropriate for new residential development.
17. I recognise that the appellant has proposed an electric vehicle charging point to enable residents access to a more environmentally friendly means of transport.

However, this would not restrict future occupiers from owning petrol/diesel private cars which cause greater pollution and neither would it outweigh the harm that I have identified in terms of lack of access to convenient walking, cycling and public transport routes. As a consequence, and when considered collectively with the scheme's harmful impact on the character and appearance of the area, I am satisfied that the development would not provide any overriding environmental benefits.

18. I agree that the scheme would result in a range of economic and social benefits, namely;- (a) future occupiers contributing to local shops, services and facilities; (b) the quick delivery of an additional self-build dwelling towards the Council's housing supply; (c) a new 'lifetime homes' dwelling utilising renewable energy and sustainable construction methods; and (d) local employment during construction. However, I consider these to be of limited value given the quantum of development proposed, and not constitute sufficient overriding benefit to justify or outweigh the environmental harm identified.
19. In view of the above, I conclude that the scheme would not give rise to overriding benefits in terms of economic, social and environmental dimensions and would not provide sufficient access to convenient walking, cycling and public transport routes to access services and facilities for day to day needs. The proposal would therefore conflict with Policies DM 1.1, DM 1.3 and DM 3.10 of the Local Plan which collectively seek, amongst other things, to guide new development to sustainable locations, ensure that the countryside retains its distinctive character and ensure that proposals support sustainable transport and development objectives.
20. I also find that the scheme would conflict with Paragraphs 9 and 103 of the Framework as it would result in; (a) a planning decision not playing an active role in guiding development towards sustainable solutions; and (b) the planning system failing to actively managing patterns of growth in support of the transport objectives outlined in Paragraph 102; - namely, that it would be heavily car dependant and not promote walking, cycling and public transport.

Other matters

21. Given my conclusion on the main issues that the development is unacceptable, the other matters raised by interested parties have not been central to my decision. Accordingly, there is no need for me to consider them further as it would not alter the outcome of the appeal.

Planning balance

22. The appellant and Council have referred to other appeal decisions in support of their position. However, the circumstances of each site and case are not the same as that before me and I must consider the appeal scheme on its own merits against current planning policy. The existence of these other decisions does not therefore set a precedent in this case.
23. Although the Core Strategy is over 5 years old and the Local Plan adopted prior to the recently published Framework, Paragraph 213 of the Framework states that existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of this document and that due weight should be given to them according to their degree of consistency with it.

24. Policies DM 1.1, DM 1.3, DM 3.8, 3.10 and DM 4.5 the Local Plan are generally compliant with the Framework insofar as they relate to the main issues of this case. I am also satisfied that the proposal conflicts with the development plan when taken as a whole.
25. Paragraph 68 of the Framework states that great weight should be given to the benefits of using suitable small and medium sized sites. However, the appeal site does not actually fall within an existing settlement as referred to by this policy. However, I recognise that it lies adjacent to an existing built-up part of the Hamlet and have therefore given this consideration modest weight.
26. The appellant contends that the development plan is silent on the matter of self-build housing and that the scheme should therefore be considered against the Framework's presumption in favour of sustainable development.
27. Paragraph 61 of the Framework states that when determining the number of homes needed, the size, type and tenure requirements for different groups should be assessed and reflected in planning policies, including people who wish to build their own homes. However, I am not aware of any development plan policies specifically setting out how the Council will meet identified demand within the relevant base period.
28. Furthermore, in accordance with the Planning Practice Guidance⁴, I am not aware of the Council: (a) making its own land available for self-build housing; (b) engaging with landowners who own suitable sites to encourage self-build; or (c) working with custom build developers to maximise opportunities for this. In the absence of the Council utilising these alternative methods to secure self-build housing, it is my view that it would need to demonstrate that it is attempting to support it through existing development plan policy or developing new policies in an emerging plan. However, there is no such evidence before me to this effect and I have therefore concluded that there are no relevant development plan policies on the matter.
29. The Council states that it has an up-to-date 5 year housing land supply, but this is disputed by the appellant. However, even if the Council does not have an up to date housing land supply, I have considered the scheme against the Framework's presumption in favour of sustainable development (below) for the reasons stated above relating to there being no relevant development plan policies on self-build proposals.
30. The scheme would result in a range of economic and social benefits, namely; (a) future occupiers contributing to local shops, services and facilities; (b) the quick delivery of an additional self-build dwelling towards the Council's housing supply; (c) a new 'lifetime homes' dwelling utilising renewable energy and sustainable construction methods; and (d) local employment during construction. However, it is my view that when considered collectively, these economic and social benefits would be of limited value given the quantum of development proposed, and when taken cumulatively would not significantly and demonstrably outweigh the environmental harm to the settlement pattern and character of the village I have identified and not guiding development towards sustainable solutions that actively manage patterns of growth. I also conclude that I would have reached the same decision if the Council had not

⁴ Paragraph: 025 Reference ID: 57-025-201760728, Revision date: 28 07 2017

met the demand for self-build plots shown on the register and/or did not have a 5-year housing land supply.

Conclusion

31. All representations have been taken into account, but no matters, including the benefits of the development and the scope of possible planning conditions, have been found to outweigh the identified harm and policy conflict. For the reasons above, the appeal should be dismissed.

Robert Fallon

INSPECTOR