



Appeal Decision

Site visit made on 3 September 2019

by D. Szymanski, BSc (Hons) MA, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17th December 2019

Appeal Ref: APP/L2630/W/19/3230910

Tawny Farm, Station Road, Forncett St Peter, NR16 1HZ

- 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 Harry Bowers against the decision of South Norfolk District Council.
 - The application Ref: 2018/1944 dated 23 August 2018, was refused by notice dated 17 April 2019.
 - The development proposed is erection of 3 no. two-storey dormer style dwellings with garages.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The description of the development set out in the original planning application form is used in the banner heading above. However, during the determination of the application the number of dwellings was reduced from five to three, which is reflected in the appellant's appeal form and the decision notice issued by the Council. Therefore, I have determined the appeal on the basis it is for 'proposed erection of 3 no. detached two-storey dormer style dwellings with garages' as set out in the Council's decision notice.
3. The planning application is submitted in outline with all other detailed matters reserved for a subsequent reserved matters application. With the exception of the 'Location Plan' as shown on plan/drawing no. 18/1345/001C, I have therefore taken all the other submitted plans/drawings to be indicative only.

Main Issues

4. The main issues are:
 - whether the proposed development would be in a suitable location, having regard to the accessibility of services and facilities;
 - whether it is demonstrated that the holiday accommodation is not economically viable, and the site cannot be used for alternative business purposes; and,
 - whether the proposed development would result in any overriding benefits.

Reasons

Whether the proposed development would be in a suitable location

5. The appeal site is in the countryside approximately 900 metres (m) from the nearest settlement boundaries of Forncett St. Mary and Forncett St. Peter (the Forncetts). Policy DM1.3 of the South Norfolk Local Plan Development Management Policies Document (October 2015) (the Local Plan) sets out the limited circumstances in which development will be permitted in the countryside. The policy expects all development to be located to contribute to sustainable development, with development in the countryside only granted if specific development management policies allow such development, or there are overriding benefits to the economic, social or environmental dimensions of sustainable development. The proposed development is not one of the exceptions permitted in the countryside by specific development management policies.
6. The Forncetts offer little in the way of services and facilities, offering a primary school, village hall and two churches. These would be accessed west from the appeal site along Station Road, which is an unlit largely national speed limit road of a relatively narrow width and few opportunities for pedestrians and cyclists to seek refuge on the road verges. Many services and facilities (including Infant, Junior and High Schools, a leisure centre, a doctor's surgery, numerous shops, professional services and some employment opportunities) are available in Long Stratton, approximately 2.5km east of the appeal site. Long Stratton would be accessed east from the appeal site along Station Road which is a largely unlit two-way national speed limit road, with some dips and bends. Only limited stretches of verge could provide refuges to pedestrians.
7. The appellant has suggested the journey to Long Stratton is 15 – 20 minutes by bicycle and listed several other journey times to other facilities by car. The nature of the routes and distances mean that the journeys to the facilities in the Forncetts or Long Stratton would not be attractive or convenient cyclist or pedestrian routes for future occupiers that are physically able, particularly in the colder and wetter months.
8. There are bus stops either side of Station Road a short distance from the appeal site for a Norwich to Diss service (via Long Stratton). There are differing views about service frequency between the parties with the appellant suggesting an hourly service and the Council suggesting it operates 4 – 5 times per day each way. Even if I were to accept the appellant's suggestion of the more frequent bus service, future occupiers are much more likely to access local services and facilities, including those in Long Stratton, Norwich, or Diss, by private car. Many future car journeys could be short in duration but would add up to a high number of additional miles travelled and associated emissions.
9. Therefore, the development would not minimise the need to travel, encourage sustainable patterns of transport, and result in future occupants being likely to have a heavy reliance upon the private motor vehicle, such that the development would not be in a sustainable or accessible location. Therefore, the proposed development is not supported by paragraphs 8 and 78 of the National Planning Policy Framework (the Framework) (2019) which seeks sustainable development through (amongst other things) services that are accessible, using natural resources prudently and minimising pollution. The proposed development is also contrary to Policy 1 the Joint Core Strategy for

Broadland, South Norwich and South Norfolk (January 2014) (the JCS) and Policies DM1.3 and DM3.10 of the Local Plan. These policies in combination, seek to ensure that development is sustainably located, reduces and minimises the need to travel and maximises the use of sustainable forms of transport.

Economic viability and alternative uses

10. It is understood that the holiday lets were approved via a 2011 application (Ref: 2011/1797), with a single dwelling to the north approved subsequently which secured funding (through a legal agreement) towards completing the lets. Permission was granted for the games room via applications in 2015 and 2016. The appeal site includes a four bedroom let (The Stables), a two bedroom let (Owl Lodge) and the games room (available for use by the lets) housed within converted former commercial buildings. There are also areas for car parking, a grassed area and an outdoor dining table and chairs. Whilst the appellant's submissions refer to the need for some modernisation, the lets appeared in a generally good and lettable condition.
11. Policy DM2.2 of the Local Plan seeks to safeguard land and buildings currently or last used for an employment use, such as the holiday lettings business, to ensure good access to a broad and sufficient range of job opportunities. Policy DM2.2 only permits the loss where either (2,a) the possibility of reusing or developing for alternative business purposes has been fully explored and it can be demonstrated that the site is no longer economically viable or practical to retain an employment use; or there are other overriding benefits (considered later in this decision).
12. A variety of information was submitted to accompany the application, seeking to demonstrate the business falls within criteria 2,a) of Policy DM2.2. A record of occupancy/bookings dated 12 July 2018 was provided for January – October 2018, suggesting that at that point, Owl Lodge had an occupancy of 15% and The Stables a 44% occupancy rate. Although it is not clear what the occupancy was for the whole year/season, and the occupancy/bookings for previous years and the current year. The appellant suggests a £16,000 capital investment was required on the properties before 'year end', although it is not clear whether this has taken place.
13. I have had regard to the contents of the letter from The Martin Smith Partnership, correspondence from relatives of the appellant, a letter from the appellant's accountant, and the extract of Mrs Bowers (Deceased) in-progress tax return. I note the information submitted, however most of it is extracts, summaries and opinions, are simply not comprehensive enough in terms of coverage or timeframe to demonstrate a lack of viability. Additionally, it is not clear through any form of objective assessment, whether (amongst other things) any lack of profitability/viability (if it were identified) is related to for example, management or pricing. Furthermore, there is no evidence provided of attempts to market the premises based upon an informed valuation for a given period.
14. I have had regard to the letter from the Long Stratton Medical Partnership. I also acknowledge that Mrs Bowers used to manage many aspects of the business, and that the appellant's loss has enforced the current situation upon him. However, I must make a pragmatic and fair assessment of whether the requirements of the relevant planning policies have been met. From the

evidence before me I am unable to conclude that the circumstances, required by clause 2,a) of Policy DM2.2 of the Local Plan, are met.

15. For the reasons set out above the proposed development is contrary to clause 2,a) of Policy DM2.2 of the Local Plan as it would result in the loss of employment land, for which it has not been adequately demonstrated that either the site and premises are no longer economically viable, or, alternative business uses have been explored. Furthermore, the proposed development would also be contrary to paragraph 83 of the Framework, which expects planning decisions to support a prosperous rural economy by enabling sustainable rural tourism.

Overriding benefits

16. The loss of the lettings business could be allowed by clause 2,b) of Policy DM2.2 of the Local Plan if there would be an overriding economic, environmental or community benefit from redevelopment which outweighs the benefit of the current lawful use continuing. In a similar manner, clause 2,d) of Policy DM1.3 of the Local Plan allows permission to be granted for development in the countryside if it can demonstrate overriding benefits to the economic, social or environmental dimensions of sustainable development.
17. The appellant has included an appraisal of the current contribution of the holiday lets to the local economy. This uses a generalised reported (largely unqualified) weekly spend figure to suggest the lets generated around £36,000 for a 12 month period based upon the past occupancy. The appellant has also applied reported average figures for household monthly spend to the number of new dwellings to show the economic benefits of housing, concluding this is between around £37,000 - £47,000 per household per year. However, the validity of the generalised figures is not clear, neither are all the constituent parts, or how these would be distributed in the economy.
18. I am not convinced the figures suggested represent a robust calculation of the economic benefits of permitting the development. However, I acknowledge there will be limited temporary benefits from the construction of the dwellings and some on-going spend to local businesses once the dwellings are occupied. Although, economic benefits are only one strand of sustainable development.
19. The proposed development would result in the provision of three new dwellings providing a benefit from supporting strong, vibrant and healthy communities in the local area. The Council has referred to the Interim Greater Norwich area housing land supply statement was published on 12 April 2019, for the position at 1 April 2018. It shows the Council could demonstrate a housing land supply of 6.63 years. The appellant does not appear to dispute the Council's stated deliverable housing land supply and has not offered evidence to challenge the housing land supply position of the Council. Based on the information before me there is an adequate supply of dwellings to meet needs in the authority area.
20. There is some benefit to developing a modestly sized brownfield site however, the proposed development does not attract significant weight under paragraphs 117 and 118 of the Framework as it is a relatively low density development outside of a settlement. Although there is a suggestion in the appellant's submissions, I have not seen any detail in respect of the degree of energy efficiency of the dwellings to persuade me this represents an overriding benefit.

Furthermore, this does not outweigh the environmental harm I have found in respect of accessibility.

21. For the reasons set out above, the proposed development is contrary to clause 2,d) of Policy DM1.3 and clause 2,b) of Policy DM2.2 of the Local Plan. This is because it is not demonstrated that the proposed development would result in an overriding environmental, economic or social benefit to outweigh the harm from either the loss of the employment use or the harm from allowing development in the countryside that is not sustainably located for access to facilities and services.

Other Matters

22. In respect of matters such as odour, highways, land drainage and surface water management, contamination, and ecology it is likely that these could be addressed by suitably worded planning conditions were planning permission to be granted. Matters related to land ownership and private legal rights would be dealt with under that legislation, and any planning permission would not have negated these requirements. I note the alleged conflict in respect of a site advanced for an emerging development plan document, however, based upon the information before me, the nature of the proposal and the early stage of that plan would not have justified dismissal on those grounds.
23. The appellant has questioned the Council's decision on the current proposal, given a decision a short distance east on Station Road. The Council has provided additional details of that development, which is understood to relate to a 2011 permission for the replacement of a fuel depot with 17 dwellings. It was deemed to have benefits in terms of visual appearance, removing contamination, moving a potential safety hazard, and reducing traffic. I have not been provided with the full details or circumstances of that proposal and each application must be considered on its own merits. However, it would appear to have markedly different circumstances to the proposals under consideration, as well as pre-dating the Framework, JCS and Local Plan.
24. The appellant has cited an appeal allowed at Picton Road, Tharston for outline permission for three dwellings. I have not been provided with any further details of that scheme so cannot be certain that the circumstances are similar to this appeal. In any case I have considered this appeal on its own merits. In the same correspondence further appeals for sites outside of development boundaries have been mentioned, but no details provided. As I have such little information no comparisons can be made with the current proposal.
25. A supporting representation references the ease at which Norwich and its University are accessible from the appeal site, together with links to media articles on the University. I have also been supplied with a copy of a letter from the local Member of Parliament in general support of the proposal. The benefits of the proposal would not outweigh the harm arising.

Planning balance and conclusion

26. Section 38(6) of the Planning & Compulsory Purchase Act 1990 states that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. The relevant development plan policies are up-to-date and compliant with the Framework, and it is understood the Council can demonstrate a 5 year supply

of deliverable housing land. Consequently, the primacy of the development plan prevails.

27. On-balance, the modest economic and social benefits that would result from the provision of the new dwellings, do not outweigh the harmful impacts in respect of accessibility and loss of employment land. There are no other considerations that would indicate a determination in accordance with the development plan. For the reasons given, the appeal should not succeed.

Dan Szymanski

INSPECTOR