

Appeal Decision

Site visit made on 19 November 2019

by Bhupinder Thandi BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23 January 2020

Appeal Ref: APP/L2630/W/19/3235827

Blackthorn Farm, Intwood Lane, Swardeston, Norwich, Norfolk NR14 8DZ

- 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 Tom Mayes against the decision of South Norfolk District Council.
 - The application Ref 2019/1091, dated 15 May 2019, was refused by notice dated 12 July 2019.
 - The development proposed is outline planning permission application for 2 no. self-build residential dwellings with garages, access and associated development.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The Appeal Statement submitted by the appellant indicates that the appeal relates to outline planning permission with approval for scale, layout and access. However, the application form indicates that outline permission is sought with regard to access only and there is no information before me to indicate that the application was amended during the application process. To be consistent I have considered the appeal as indicated on the application form.
3. An illustrative layout accompanies the application and I have paid regard to this layout in so far as assessing the principle of development in land use terms.

Main Issues

4. The main issues of this appeal are:
 - whether the local planning authority can demonstrate a deliverable five-year supply of housing land;
 - the effect of the proposal upon the character and appearance of the area;
 - the effect of the proposal upon on hedgerows; and
 - whether, having regard to the housing supply position and all other relevant considerations, the proposal would be sustainable development.

Reasons

Housing land supply

5. The Joint Core Strategy for Broadland, Norwich and South Norfolk (2014) (JCS) is now more than five years old and the Council acknowledge this fact. As a consequence, the minimum supply of five years worth of housing should be based on their Local Housing Need (LHN) and the standard methodology set out in the National Planning Policy Framework (the Framework)¹. As part of the appeal, the Council has provided its Annual Monitoring Report 2017-18 (AMR) which, amongst other things, sets out that a deliverable supply of 6.54 years of housing land can be demonstrated across the joint Greater Norwich Authorities area based upon their LHN.
6. I note the appeal decision² referred to by the appellant. I acknowledge that maintaining a deliverable five-year housing land supply is a minimum and the Framework, amongst other things, seeks to boost the supply of housing including through windfall sites. However, there is no indication that the Council are failing to deliver houses in Swardeston and its area particularly as its Housing Delivery Test (HDT) requirement has been met through the delivery of 133% of the homes required between 2015/16 and 2017/18.
7. The appellant has claimed that the housing land supply position has not been evidenced through a Plan review or an adoption statement in the context of guidance set out in Paragraph 74 of the Framework and the Planning Practice Guidance (PPG).
8. Notwithstanding the above, the AMR is, nonetheless, the most comprehensive and credible evidence to support the Council's housing supply position. The appellant has not provided any credible evidence to refute the Council's housing land supply position. Based on the information before me I have no reason to disagree with the figure published within the AMR. I therefore conclude that based on the evidence before me a deliverable five-year housing land supply for the area can be demonstrated and the development plan is up-to-date. Consequently, paragraph 11d of the Framework is not engaged.
9. The appellant has referred to an appeal decision³ which calls into question the housing land supply in the area in terms of calculating the figure under the requirements of paragraph 74 of the Framework. Notwithstanding this, I have determined this appeal on the basis of the evidence before me submitted as part of this appeal. The other appeal decision does not alter my findings in terms of the main issue relating to housing land supply.

Character and appearance

10. The appeal site is situated on the western side of Intwood Lane and consists of a grass field bounded by mature hedgerow along the road and timber post and railing fence on the other sides. To the north of the site are fields in agricultural use and to the west is a paddock with views of countryside in both directions beyond. Buildings and structures associated with Blackthorn Farm and its use as a cattery are located to the south. Directly opposite the site on the eastern side of Intwood Lane is linear residential development extending northwards.

¹ Paragraph 73 of the National Planning Policy Framework

² APP/L2630/W/18/3197272

³ APP/L2360/W/18/3209464

11. I acknowledge that with the exception of the access detailed design matters would be considered at reserved matters stage and that the prominence of the development could be reduced at the detailed design stage and screened by the hedgerow along Intwood Lane. However, it would significantly be at odds with the pattern of development on the western side of Intwood Lane which is essentially undeveloped countryside and agricultural land and is noticeably different and verdant in comparison to the eastern side of Intwood Lane which is developed with a linear form of housing.
12. The site may not be subject to an environmental or ecological designation, however, the introduction of houses and associated paraphernalia in this location would result in an unacceptable urbanisation of the site and encroachment into countryside which would adversely harm the character and appearance of the area which is largely undeveloped countryside. I attach significant weight to this harm.
13. Whilst I note that the buildings associated with the use at Blackthorn Farm are located nearby these are low key and agricultural in appearance and in keeping with the character of the area. In my view their presence does not act as justification for new housing on the western side of Intwood Lane.
14. As such the proposed development would be contrary to Policies 1 and 2 of the JCS which, amongst other things, seeks to protect environmental assets of the area and development to respect local distinctiveness and landscape character. It would also be contrary to Policies DM1.4 (d, i) and DM3.8 of the South Norfolk Local Plan Development Management Policies Document (2015) (DMPD) which sets out that all development should take all reasonable steps to make a positive contribution to local character and distinctiveness; the Council will refuse development that fails to take opportunities for improving the character and quality of an area and the way it functions and development should be designed to respect the local landscape.

Hedgerows

15. There is some disagreement between the main parties in relation to adequacy of the information submitted in relation to establishing the importance of the hedgerow along Intwood Lane. I acknowledge that based on the indicative plan only a small proportion of the hedgerow would be removed for the vehicular access, however, based on the evidence before me I am not persuaded that a satisfactory assessment has been undertaken to establish the importance of the hedgerow in respect of the legislation.
16. Therefore, I find that the development would be contrary to Policy DM4.8 of the DMPD which, amongst other things, sets out that the Council will safeguard and promote the appropriate management of protected and other significant trees and hedgerows, unless the need for, and the benefits of, a development clearly outweigh their loss.

Sustainable development

17. I acknowledge that the site lies opposite existing residential development but nonetheless it is beyond the settlement boundary of Swardeston.
18. Swardeston is classified as a Service Village under Policy 15 of the JCS and is considered a suitable location for small-scale housing development. As the appeal site lies outside but nearby the boundary for Swardeston there is

conflict with the development strategy for the area. Therefore, new development outside of existing boundaries will be considered to be located in the countryside and this proposal has not been presented on the basis of any essential need for a countryside location.

19. The appellant has referred to an appeal⁴ that considers the interpretation of Policies in the DMPD in respect of development in the countryside. Part 2 of Policy DM1.3 of DMPD states that permission for development in the countryside, outside defined settlements boundaries will only be granted if specific policies allow development in such locations or there are overriding benefits in terms of the economic, social and environmental dimensions set out in Policy 1.1d. There are no specific policies in the development plan that support market or self-build housing in this countryside location.
20. The appellant contends that the proposed development presents benefits that would outweigh any impacts. With regard to Part 2(d) of Policy DM1.3 of the DMPD two dwellings would boost the supply of housing in the area, particularly in respect of self-build housing offering a wider choice of housing for the community. It would also create short term employment during the construction phase and future occupiers would support the existing services in Swardeston. However, given the scale of the development the benefits would be modest, particularly as the Council can demonstrate a sufficient supply of deliverable housing sites.
21. Consequently, the proposal would deliver some economic and social benefits. However, the environmental considerations weigh against the development. I attach significant weight to this environmental harm as part of the determination of this appeal. The economic and social benefits would be modest and would not outweigh the harm I have identified.
22. In this regard the proposal would be contrary to Part 2(c) and 2(d) of Policy DM1.3 of the DMPD as there are no economic, social or environmental benefits that would permit new development beyond the defined settlement boundaries and in a countryside location.
23. The appellant has referred to two appeal decisions in relation to self-build properties⁵. I acknowledge that the development would deliver two self-build properties in the area and whilst the JCS or the DMPD do not include specific policies relating to self-build I note that none of the relevant policies prevent opportunities for such development from taking place in the area. In this particular regard I find that the benefits of two self-build properties would not outweigh the harm that I have identified.

Other Matters

24. I note the representations made by local residents and the Highway Authority to the appeal in respect of highway safety, precedent and infrastructure but they have not led me to a different conclusion.
25. The potential for financial gain is a matter which falls outside of what I consider in my decision and as such has no bearing on the determination of this appeal. This is also the case concerning the house buying process.

⁴ APP/L2630/W/18/3215019

⁵ APP/L2360/W/15/3005707 and APPG2435/W/18/3214451

Conclusion

26. For the reasons set out above the appeal is dismissed.

B Thandi

INSPECTOR