



Appeal Decision

Site visit made on 21 January 2020

by Graham Wyatt BA (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 February 2020

Appeal Ref: APP/L2630/W/19/3236964

21 Tunneys Lane, Ditchingham, Bungay, Suffolk NR35 2RQ

- 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 Mr Mark Gray against the decision of South Norfolk District Council.
 - The application Ref 2019/0223, dated 28 January 2019, was refused by notice dated 25 March 2019.
 - The development proposed is described as a "proposal to build a new dwelling within garden of 21 Tunneys Lane".
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - whether the appeal site is an appropriate location for the development having regard to the Development Plan;
 - the effect of the development on the character and appearance of the area; and,
 - the location of the appeal site and access to services and facilities.

Reasons

Location

3. The Council confirm that the appeal site lies outside of the settlement boundary of Ditchingham and is therefore within the countryside. Items 2) c) and d) of Policy DM 1.3 of the South Norfolk Local Plan 2015 (the Local Plan) states that development in the countryside will only be granted where specific LP policies allow for development or it has been demonstrated that there are overriding economic, social and environmental benefits as addressed in Policy DM 1.1 of the Local Plan.
4. The appellant does not advance an argument that the proposal would accord with policies within the Local Plan that would allow such a development, but rather that there are economic, social and environmental benefits that would support the erection of a dwelling beyond the settlement boundary for the village. This would result in economic benefits during the construction of the dwelling and longer-term spending from the occupants. There would also be a social benefit through the provision of the dwelling and environmentally it would not have a harmful effect on the character and appearance of the area.

5. While acknowledging the benefits in support of the development, it is clear that Policy DM 1.3 of the Local Plan requires such benefits to be overriding and, for the reasons set out below, I am not persuaded that the arguments put forward by the appellant would meet that exception. Consequently, the suggested benefits do not outweigh the harm as a result of the conflict with adopted policy and the aims of sustainable development in the Framework.
6. Thus, the development would be in conflict with Policies DM 1.1 and DM 1.3 of the LP which seeks, amongst other things, to ensure that developments are located so that they positively contribute towards sustainable development of the District as led by the Development Plan.

Character and Appearance

7. The appeal site forms part of the garden area of the host property and contains a single storey garage building and a further shed style domestic outbuilding. The area is generally rural in character with dwellings arranged in a linear manner along Tunneys Lane. The appellant argues that the proposed dwelling would represent a visual improvement over the existing structures on the site.
8. While very close to the settlement boundary for Ditchingham, the area is verdant and has a distinct open and rural quality that is reinforced by the presence of mature landscaping within this countryside setting. The existing dwelling is part of a scattering of dwellings at this part of Ditchingham and although the appeal site forms part of the garden to the host property, it nonetheless better relates to its rural surroundings to which it makes a positive contribution.
9. There are other dwellings in the vicinity and in that respect, the proposed development would not represent isolated dwellings in the countryside. However, given the separation distance from the surrounding dwellings, the proposal would nonetheless appear as a sporadic form of development that would encroach into the countryside. The development would suburbanise the site eroding the rural qualities of the area and would be clearly visible from Tunneys Lane. The proposal would also reduce the openness of the area and while I accept that landscaping on the boundaries could shield the development from external views, the dwelling would still be visible, especially during the winter months when the leaves on the trees have fallen and such landscaping cannot be relied upon to remain in perpetuity.
10. I therefore conclude that the development would harm the character and appearance of the area. It is in conflict with Policies DM 1.4, DM 3.8 and DM 4.5 of the Local Plan, which seek, amongst other things, to ensure that development proposals conserve the setting and character of settlements, do not harm landscape character and maintain or enhance local distinctiveness.

Access to Services and Facilities

11. Policy 1 and 6 of the Joint Core Strategy for Broadland, Norwich and South Norfolk 2011 (amended 2014) (the Core Strategy) seek, amongst other things, to minimise the need to travel by concentrating development close to essential services and facilities to encourage walking and cycling as a primary means of travel and the use of public transport. This is also reflected in Policy DM 3.10 (1) of the Local Plan which seek similar aims.
12. Tunneys Lane itself is single track in parts and has a number of passing spaces for vehicles. The lane does not have any footpaths or streetlights resulting in pedestrians having to walk in the road. The appellant states that access to the village shop, post office, primary school and village hall are all within walking and

cycling distance of the appeal site. However, I have not been provided with any evidence that other facilities such as doctors' surgeries and larger food stores are within walking distance of the site. Moreover, while joggers and dog walkers may use the lane, I am not persuaded that the verges along Tunneys Lane are suitable as a refuge for certain groups of people such as users of mobility scooters and other people with mobility issues, blind or partially sighted persons and people with prams.

13. Furthermore, notwithstanding the availability of bus routes in the area, occupiers of the proposed dwelling would still be required to walk or cycle down an unlit lane which would not only deter many pedestrians from using the local bus services, especially those laden with shopping or during the winter months and inclement weather, but would also deter occupiers from cycling to the local village. It is highly likely that the future occupiers of the dwelling would rely heavily on the private car to access services and facilities.
14. Thus, the site is not an appropriate location for the development. It would be in conflict with Policies 1 and 6 of the Core Strategy and Policy DM 3.10 (1) of the Local Plan, the specific aims of which are described above.

Other Matters

15. I have not been provided with any substantive evidence that the development would meet a proven local need and having regard to paragraph 78 of the National Planning Policy Framework (the Framework), the addition of one dwelling at the site would only have limited impact on the vitality of rural communities.
16. I acknowledge that the design of the dwelling is acceptable, that suitable materials could be employed and that it is a self-build development. I accept that the dwelling would be constructed using sustainable development methods and techniques and that there is local support for the development which is intended to be occupied by the appellant as a retirement home so they can remain in the village. I also accept that the proposal is unlikely to impact on the living conditions of surrounding occupiers and would create additional economic benefits resulting from the construction period and council tax receipts. However, while acknowledging the benefits that would result in this respect, I do not find that either individually or cumulative, they override the harm that I have identified above.
17. The appellant refers to a planning permission¹ for a development of 24-27 dwellings on land to the west of the site. However, I have not been provided with sufficient details to enable me to make a direct comparison to the development before me. Moreover, I have considered this appeal on its own merits which is one of the fundamental principles that underpins the planning system.

Conclusion

18. For the reasons given above, and having regard to the development plan when read as a whole, the appeal is dismissed.

Graham Wyatt

INSPECTOR

¹ 2019/1925