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# Appeal Decision

Site visit made on 3 February 2020

**by S A Schinaia MSc EngD FGS**

**an Inspector appointed by the Secretary of State**

**Decision date: 2<sup>nd</sup> March 2020**

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**Appeal Ref: APP/Y2620/W/19/3239153**

**Site Adjacent to The New Bungalow, Thurning Road, Briston NR24 2JW**

- 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 P Semmens against the decision of North Norfolk District Council.
  - The application Ref PF/19/0135, dated 23 January 2019, was refused by notice dated 17 April 2019.
  - The development proposed is erection of one and a half storey dwelling with detached garage.
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## Decision

1. The appeal is dismissed.

## Procedural matters

2. The Local Planning Authority (LPA) has changed the description of the development at point of validation from "Proposed Self Build, one and a half storey dwelling with detached garage" to "Erection of one and a half storey dwelling with detached garage". The appellant has accepted this change and has used this revised wording on the appeal form.

## Application for costs

3. An application for costs was made by Mr P Semmens against North Norfolk District Council. This application is the subject of a separate Decision.

## Main Issue

4. The main issue is whether the appeal site would be an acceptable and sustainable location for new residential development.

## Reasons

5. The site is a triangular plot of land in Thurning Road at the corner with Reepham Road, south of Briston. Briston is defined as a Service Village by Policy SS1 of the North Norfolk Core Strategy (2008) (NNCS) that sets the spatial strategy for North Norfolk. Briston has a settlement boundary but the site is more than 200 m from its most southerly point and therefore, according to Policy SS1, is within an area identified as countryside, where development is restricted to particular types of developments that support the rural economy, meet affordable housing needs and provide renewable energy. Policy SS2 of the NNCS specifies further the types of development allowed in the countryside

and the proposal does not fall into any of these categories. The proposed development would therefore be contrary to Policies SS1 and SS2 of the NNCS.

6. The appellant comments that, according to an interim statement published in June 2018, the Council can demonstrate a five year housing land supply of 5.02 years, but he argues that that such a position is fragile. However, the appellant referred to older figures, as in April 2019 the Council has issued its Five Year Supply of Housing Land 2019 – 2024, which concludes that it can demonstrate a five year housing land supply of 5.73 years, which results in a much stronger position.
7. The appellant has also argued that the NNCS policies are out of date compared to the latest version of the National Planning Policy Framework (2019) (the Framework), in particular in terms of allowing development in the countryside. In such a case, following paragraph 11 of the Framework the appellant maintains that a presumption in favour of sustainable development should be applied to the proposal. However, Paragraph 213 of the NPPF states that “existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them, according to their degree of consistency with this Framework”.
8. In setting out the objectives for strategic policies, the Framework includes making provision for the conservation and enhancement of the natural environment (paragraph 20(d) and section 15). In the supporting text to Policy SS1, paragraph 2.4.13, the NNCS restricts development in the countryside to prevent development in locations that are not accessible in terms of sustainable transport for residents, to ensure a more sustainable pattern of development. This is in agreement with the promotion of sustainable transport set out in section 9 of the Framework and the general aim of the Framework policies to pursue sustainable development.
9. In the context set out by the policies above, settlement boundaries have the scope of providing for the conservation of the natural environment and to support sustainable development, including sustainable transport. Furthermore, there is no evidence to suggest that there has been a change of circumstances since 2008 so as to justify Policies SS1 and SS2 being considered out-of-date, or not relevant to the current appeal. Therefore, although adopted in 2008, the NNCS Policies SS1 and SS2, relevant to this appeal, are not inconsistent with the Framework in establishing the planning strategy for the district, settlement boundaries and identifying appropriate forms of development for the countryside.
10. The site is at the southern boundary of Briston. The villages of Briston and Melton Constable have limited services and facilities and residents would need to reach larger villages for their needs frequently. The appeal site is not accessible in terms of public transport. The appellant has referred to the Institute for Highways and Transportation’s Guidelines for Providing Journeys on Foot which states that in rural areas the preferred maximum walking distance is up to 2 km for commuting or reaching a school.
11. The closest bus stop to the appeal site is about 1.3 km, but the route between the bus stop and the site does not have footpaths and people have to stop or move out of the road, often in flooded and muddy areas, when cars approach, as the carriageway is not wide enough to accommodate two cars and

pedestrians at the same time. Furthermore, the road is unlit. In such conditions, the route cannot be considered as representing a 'sustainable' walking distance for daily commuting, as maintained by the applicant, especially for children. Therefore, the occupants of the proposed dwelling would have to rely on the use of cars for reaching services and facilities on a daily basis. Furthermore, the bus services are infrequent and do not run after 18:30 hours.

12. In paragraph 78 the NPPF promotes sustainable development in rural areas through the delivery of housing in locations that will enhance or maintain the vitality of rural communities. The supply of a dwelling through this appeal would constitute a modest addition to the housing supply in terms of helping to maintain the vitality and the services of the rural community. In addition, the dwelling construction would provide a temporary economic benefit. However, although the development would be acceptable from an environmental perspective and not detrimental to the character and appearance of the surroundings, the site location would not constitute sustainable development, due to its very limited accessibility and the limited social and economic benefits to the rural community.
13. Therefore, for the reasons set out above, I conclude that the appeal site is not a sustainable location for new residential development. The proposed development would therefore be in conflict with Policies SS1 and SS2 of the NNCS, and the limited benefits of the proposed development would not be sufficient to outweigh the conflicts with the NNCS and the policies of the Framework as a whole.

## **Conclusion**

14. For the above reasons, I conclude that the appeal should be dismissed.

*S A Schinaia*

Inspector