



Appeal Decision

Site visit made on 11 February 2020

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

an Inspector appointed by the Secretary of State

Decision date: 6th March 2020

Appeal Ref: APP/Y2620/W/19/3241405

Hillside, Church Road, Aylmerton, NR11 8PZ

- 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 Wells against the decision of North Norfolk District Council.
 - The application Ref: PF/19/1215 dated 23 July 2019, was refused by notice dated 8 October 2019.
 - The development proposed is discontinuation of use of land for a recycling yard and the erection of a detached dwelling.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The appellant's appeal statement refers to enclosing a planning statement submitted with Ref: CL/18/2263 for a Certificate of Lawfulness for an existing waste use at the appeal site. However, this did not accompany the appeal statement. It was requested from the appellant, however, has not been provided. At my visit the waste site had a modest office, parking area, screening and mobile plant processing and recycling what appeared to be modest piles of largely inert waste materials. This operation occupied the approximately the front half of the appeal site. I have considered the waste management operations as I witnessed them on site.

Main Issues

3. The main issues are:
 - whether the proposed development is located in a suitable location having regard to the accessibility of services and facilities;
 - whether the proposed development would be in a suitable location, with particular reference to the development plan and national policies concerned with housing in rural areas; and,
 - whether there are other material considerations that weigh in favour of the proposed development.

Reasons

Accessibility

4. The appeal site is located on land between what appears to be dwellings with small holdings or outbuildings to its north and south, fronting Church Road. It lies between two parts of Aylmerton village, one part approximately 500m to the south and the other approximately 110m to the north. The appeal site is within a rural setting in rolling open countryside within the Norfolk Coast Area of Outstanding Natural Beauty (AONB).
5. In setting out the spatial strategy for the district the pre-text to Policy SS1 of the North Norfolk Local Development Framework Core Strategy (2008) (the NNCS) explains how the settlement hierarchy is designed to ensure the type and quantity of development planned reflects the role and character of each settlement. It seeks to maximise housing in the most sustainable locations, particularly towns and larger villages, and reduce the need to travel. The appeal site and surrounding land falls within the countryside, which is considered the least sustainable location.
6. The nearest facilities are a pub and garage approximately 210m to the north and a church and village hall and play area approximately 230m and 500m to the south respectively. There is no footway on Church Lane outside the site. The angle and width of the verges provide few opportunities for walking on, or, a refuge for pedestrians or cyclists. Therefore, it is likely that walking and cycling to the nearest facilities would not be attractive or desirable to residents of the new dwelling. Furthermore, as the facilities are limited, trips to other service centres would be frequently required.
7. Further afield (approximately 2.5km – 5km) are the larger centres of East and West Runton, Cromer and Sheringham. In particular Cromer and Sheringham offer a greater range of facilities, shops, professional services and some employment opportunities. However, both are over 3km away by road. Cromer and Sheringham would need to be in-part accessed on the A148 which appeared a busy vehicular route with only limited stretches of path or verge suitable to provide a refuge for cyclists or pedestrians from traffic. Therefore, walking and cycling are not likely to be an attractive or convenient regular mode of transport for those that are physically able to manage that distance.
8. The Council has referred to a bus service along the A148 which is understood to stop outside the nearest pub, to destinations such as Cromer, Sheringham and Holt. I have not been provided with the frequency of this service or duration of the journeys to the main service centres. This would also appear to require accessing the stops via a section of Church Road without footpaths which would reduce its appeal to the new residents.
9. Based upon the information before me, new occupants would be likely to rely upon a motor vehicle for accessing most routine services and facilities, which would soon add up to a significant number of vehicular miles. While this is not necessarily unusual in rural locations, it would nevertheless conflict with a core planning principle of the National Planning Policy Framework (the Framework) (2019) which encourages development to take place where the fullest use of walking, cycling and public transport can be made. Therefore, the development is not supported by paragraph 8 of the Framework which seeks sustainable development through (amongst other things) using natural

resources prudently. Furthermore, the development would also not accord with Policy SS1 of the NNCS which seeks amongst other things to ensure development is sustainably located, reduces the need to travel, and maximises use of sustainable transport.

Policies for housing

10. Policy SS1 of the NNCS defines a settlement hierarchy with the aim of directing most development to the district's larger settlements and most sustainable settlements. Lesser amounts of development are directed to the lower tiers in the hierarchy. The appeal site and surrounding land falls within the countryside, where development will be restricted to particular types. The specific circumstances that development will be permitted are set out in Policy SS2 of the NNCS. SS2 states that proposals which do not accord with the development types or circumstances listed, will not be permitted. A new market dwelling is not considered as one of the acceptable forms of development in the countryside under SS2 and therefore, the development conflicts with this policy.
11. Paragraph 78 of the Framework states that to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. A single dwelling on this appeal site, with few services and facilities nearby, is not considered to be located to achieve the objective of enhancing or maintaining the vitality of rural communities under paragraph 78.
12. For the reasons set out above the proposed development would conflict with and result in significant harm having regard to Policy SS1 and SS2 of the NNCS. These policies seek to protect and restrict new development in the countryside, and direct new development to the most sustainable locations in accordance with the spatial strategy. The development is not considered to be located where it would enhance or maintain the vitality of rural communities, and therefore would be in conflict with paragraph 78 and the Framework.

Other material considerations

13. The appellant advocates the replacement of the waste management operation with the dwelling would represent a benefit, justifying departure from planning policies in respect of the location of development and accessibility. Part of the appeal site is understood to benefit from a Certificate of Lawfulness of Existing Use of Land for storage and recycling of inert materials and scrap metal. However, I have not been provided with the certificate, the extent of the area, or permitted operations or structures.
14. The Council suggests it is unlikely that permission would be granted for the recycling operation in this location. However, they are satisfied that further buildings and structures are subject to planning controls, and that noise and dust can be adequately controlled by the relevant environmental legislation. The appellant has stated there is concern from neighbours in respect of noise and dust, and security is a concern. However, there is no evidence to substantiate this before me.
15. At the time of my visit there appeared to be no dust escaping the site boundary. At the nearest residential properties noise was not discernible above that from traffic on the A148. The evidence before me suggests the

development is compliant with Policy EN13 of the NNCS in respect of noise and air quality at the nearest receptors. Once complete a new dwelling would be likely to generate less dust and noise. However, given the existing site operations, the benefits of the new dwelling in relation to local noise levels and air quality, if any, would be likely to be small.

16. The proposed development comprises a detached dwelling and garage of a considerable height, floor area and overall scale. The accompanying landscaping and engineering proposals would help to screen some of the development. I have noted the observations of the Council's Landscape Officer and the Norfolk Coastal Partnership.
17. At my site visit the stockpiles of waste materials were around 3m high, and being soils and rubble, were not obtrusive in the landscape. The site office was limited in size, located close to the front of the site and was part screened by soil mounds. The modest size pieces of mobile plant would be discernible based upon their positioning on the west of the waste processing operation, as at my visit. However, they are limited in size compared to a new dwelling. Furthermore, their position is not fixed and may well move around the site to be less visually prominent, in accordance with where the waste stockpiles are located and being worked. Based upon my site visit and the evidence before me, the proposals would represent a significant increase in height and scale of permanent built development on the land, compared to that associated with the waste management operation.
18. Taking into consideration the location, position, scale, height, design, topography and landscaping, although the dwelling is permanent and substantially sized, due to its position on the site in relation to the surrounding topography and the landscaping, its effect would be likely to be neutral. This includes when viewed from the surrounding area including right of way FP5. Therefore, the development would be compliant with Policies EN1, EN2 and EN4 of the NNCS. These policies, amongst other things, seek to protect, conserve and enhance the special qualities and local distinctiveness of the AONB and the wider area.
19. The Environmental Search Report suggests that compliance with Policy EN13 could be achieved in respect of contamination. Compliance with this policy would be a neutral effect and not a benefit as such. I have also had regard to the Preliminary Ecological Survey which demonstrates compliance with Policy EN9. There might be some ecological benefits as a consequence of the proposed planting. However, such enhancements appear small, there is no mechanism of securing their long-term retention before me, and similar enhancements would be possible without the appeal site dwelling.
20. The development would be compliant with Policies CT5 and CT6 of the NNCS in respect of the site access and parking. There would be some small benefit in terms of the improved access to the development. There would be reduced vehicle movements on this part of Church Road. However, in practice, the vehicle movements would be displaced to other areas depending upon where waste materials are generated and subsequently deposited/processed. It is suggested the development would facilitate the waste management operation being moved to a more suitable location. However, the location of a new site and/or a means of securing this are not before me. Therefore, there is no

evidence of a tangible benefit to the wider area in terms of vehicle movements or location of a new facility.

21. I have had regard to the benefits and justification advanced by the appellant. It appears that there would be some small benefits in respect of an improved access, some ecological benefits, and localised noise and air quality benefits. There would be some benefits in respect of reducing the number of vehicle movements on Church Lane, however, in practice these would be displaced elsewhere on the local highway network. The development meets development plan policies in respect of contamination, landscape and parking standards, which are a neutral factor in the decision.

Planning Balance and Conclusion

22. 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 Council believes it can demonstrate a five-year supply of deliverable housing sites, and the appeal site lies within the AONB which is a protected area, under footnote 6 of the Framework. Therefore, there is no requirement to apply the tilted balance.
23. The development would result in a small temporary economic benefit during construction, and some small on-going spend in the local economy once the dwelling is occupied. There would be a small social benefit from the provision of an additional dwelling. There would be some small benefits in respect of localised traffic, access, ecology, noise and air quality. These attract a small amount of weight in favour of the development. Matters related to parking provision, the landscape and contamination are considered a neutral factor.
24. However, there would be significant harm from the development in respect of undermining the planned approach to the distribution of housing and undermining sustainable transport objectives of Policies SS1 and SS2 of the NNCS and paragraph 78 of the Framework. This attracts significant weight against the scheme. On-balance, the harm from the proposed development would not be outweighed by the totality of the benefits from the proposed development. Therefore, I conclude that the appeal should not succeed.

Dan Szymanski

INSPECTOR