
Appeal Decision

Site visit made on 11 February 2020

by S Tudhope LLB (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 1 April 2020

Appeal Ref: APP/L2630/W/19/3236714

Land adjacent to Follies Barn, Long Lane, Bracon Ash, Norwich NR14 8AN

- 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 R Wickers against the decision of South Norfolk District Council.
 - The application Ref 2019/0249, dated 28 January 2019, was refused by notice dated 11 March 2019.
 - The development proposed is erection of 1 No. dwelling.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. A number of variations of the address of the appeal site have been provided. I have used the address sited on the appeal form as this effectively identifies the site.
3. On its decision notice the Council used a description of development that differs slightly to that provided on the application form. I have used the original description as this adequately describes the proposed development.
4. Policy DM4.4 of the South Norfolk Local Plan Development Management Policies Document 2015 (SNLP) is referenced in the Council's second reason for refusal. However, this policy is specific to designated and locally important open space. No evidence has been submitted to demonstrate that the appeal site falls into any of the categories of environmental assets protected by the policy and therefore this policy is not relevant to the determination of this appeal.

Main Issues

5. The main issues are (i) whether the proposal would be an appropriate form of development in this location, with particular regard to its effect on the character and appearance of the area and (ii) whether it would provide future occupiers with satisfactory access to services and facilities.

Reasons

Character and appearance

6. The appeal site lies outside of any development boundary as defined within the SNLP. For the purposes of planning policy, it is therefore within the countryside. Policy DM1.3 of the SNLP sets out that permission for

development outside of settlements may only be granted where other policies allow for it or where there are overriding benefits in terms of economic, social and environmental dimensions as defined. I have not been made aware that the appeal scheme would comply with any stated exceptions for development in the countryside and therefore, in this respect, the proposal is in direct conflict with Policy DM1.3.

7. The site is an undeveloped plot of land with an existing access onto Long Lane. The site frontage is mature hedgerow with narrow grass verge; several trees are present within the site. The site is in part overgrown with vegetation and rough grass. There is a metal storage container positioned within the south western corner of the plot. To the southern boundary there is a residential single storey dwelling set within a similar sized plot. The northern boundary adjoins the large garden of a dwelling known as Follies Barn. The lane is narrow and distinctly rural in character with hedging and trees along both sides of the road and woodland opposite the site. Agricultural land surrounds this loose cluster of dwellings.
8. The proposed development would be a single storey, three-bedroom dwelling with attached garage, positioned somewhat centrally within the site. It would use the existing access and would have a sizeable parking and turning area to the front and side of the property. In this respect it would be of similar scale and appearance to the existing nearby dwellings. However, the considerable space between the built form of Follies Barn and the property to the southern boundary of the site currently contributes to the spacious rural character of the area. The proposed development would reduce this openness to the detriment of its surroundings.
9. Although it is the intention of the appellant to retain the frontage hedgerow and thereby provide some screening of the development, I do not have any substantive evidence to demonstrate that the provision of the required visibility splays would allow the hedge to remain. Loss of the hedgerow would significantly alter the appearance of the site to the detriment of the street scene. However, even if it were possible to retain this hedgerow, the proposed dwelling and its associated domestic paraphernalia would still be obvious from the street and would visually harm rather than positively contribute to its surroundings.
10. I conclude that the proposal would not be an appropriate form of development in this location and would have a significant and harmful effect on the character and appearance of the area. The proposal conflicts with Policies DM1.3, DM4.5 and DM4.8 which together and amongst other matters seek to locate development within suitable settlements and require development to respect and where possible enhance the landscape character of its immediate and wider setting.

Access to services and facilities

11. The site is located approximately 500 metres from the edge of the village of Mulbarton. A range of services and facilities are available there, including shops, a primary school and public transport links to Norwich. Whilst this is not a significant distance, Long Lane is a narrow unlit road, subject to the national speed limit. Whilst a footpath is available for part of the route, this is approximately 320 metres from the appeal site. I do not consider that the route would be particularly attractive to pedestrians or cyclists. Future

occupiers of the development would be likely to be reliant on the private car to access services and a significant number of such journeys would be further afield, to higher order settlements, in order to access a full range of services and facilities. The proposed development would not provide a suitable location for housing in respect of accessibility to services and facilities.

12. I therefore conclude that the proposal would conflict with Policy DM3.10 which seeks to promote sustainable transport modes. It would also conflict with paragraph 103 of the National Planning Policy Framework (the Framework) which seeks to maximise sustainable transport solutions whilst recognising that solutions will vary between urban and rural areas.

Other Matters

13. I have been referred to a number of recent planning and appeal decisions which the appellant considers offer support to the acceptability of the appeal proposal. Despite some apparent similarities in relation to access to services and facilities and the removal of boundary hedgerows, I am not aware of the precise reasons why those proposals were found acceptable, nor can I be certain that circumstances are directly comparable. In any case, I have considered this appeal on its own merits.
14. My attention has also been drawn to two previous appeal decisions¹ for the erection of a dwelling at the appeal site which were both dismissed. Whilst I do not have full details of the previous schemes, I am aware that the appeal scheme before me differs from the others, in that it is for a single storey dwelling instead of a one and a half storey or two storey dwelling. Therefore, whilst I have had regard to the previous appeal decisions, I have considered this appeal on its own merits.

Planning Balance

15. At the time of the original decision the Council were unable to demonstrate the required 5 year supply of deliverable housing sites and considered the proposal with regard to paragraph 11 d) of the Framework. However, in the evidence before me the Council state that the position has changed and the Greater Norwich Area Housing Land Supply Assessment 2018 concludes that the Greater Norwich Authorities can demonstrate 6.54 years' supply (with South Norfolk demonstrating 5.9 years). In the absence of any substantive evidence to demonstrate otherwise, I accept that the Council currently has a 5 year housing land supply.
16. Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that the determination of applications should be made in accordance with the development plan unless material considerations indicate otherwise. In this case I have found that the proposal would be contrary to policies of the development plan as cited above, and to the plan when read as a whole. I attribute significant weight to this conflict.
17. I acknowledge that the proposal would make a small contribution to the supply of housing and would therefore provide a limited amount of short-term employment during the construction phase and by the support for services from future occupiers. In addition, the appellant has advised that the development would be self-build, could be built out quickly and would not

¹ APP/L2630/W/17/3167112, APP/L2630/W/18/3205053

introduce any adverse impacts on the living conditions of the occupiers of any neighbouring properties. These benefits would be modest, commensurate with the scale of development proposed. I also note there were no objections from neighbours. However, this is a neutral matter which weighs neither for nor against the appeal proposal. Taking it all into account, I consider that the harm clearly outweighs the benefits.

18. I therefore consider that there are no material considerations that indicate that the proposal should be determined other than in accordance with the development plan. Even if paragraph 11 d) of the Framework was engaged, the identified adverse impacts of the development, in respect of character and appearance and accessibility considerations, would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole.

Conclusion

19. For the above reasons the appeal is dismissed.

S Tudhope

Inspector