
Appeal Decision

Site visit made on 10 March 2020

by S Tudhope LLB (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 05th May 2020

Appeal Ref: APP/K2610/W/19/3238855

**Land adjacent to Oak House, Toad Lane, Great Plumstead, Norwich
NR13 5EQ**

- 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 D Grimmond against the decision of Broadland District Council.
 - The application Ref 20190864, dated 24 May 2019, was refused by notice dated 19 August 2019.
 - The development proposed is 1no. self-build dwelling with garaging, parking & turning and construction of new highways access; demolition of existing storage buildings.
-

Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is whether the site would be in a suitable location for a dwelling having regard to the development strategy for the area and accessibility to services and facilities.

Reasons

3. Policy GC2 of the Broadland District Council Development Management Development Plan Document 2015 (DM) sets out that new development, unless according with a specific allocation and or policy of the development plan, and which does not result in any significant adverse impact, will be accommodated within settlement limits. The site is located outside of the settlement boundary of Great Plumstead and is therefore within the countryside for planning policy purposes.
4. The appellant asserts that Policy GC2 is out of kilter with the National Planning Policy Framework (the Framework) and is therefore out-of-date, insofar as it completely precludes any person wishing to build a dwelling anywhere outside of a settlement boundary that is not subject to a replacement dwelling, conversion or rural workers dwelling. However, there is nothing in the Framework to indicate that the definition of settlement boundaries is no longer a suitable policy response and, therefore, that such policies are bound to be out of date, having regard to Paragraph 213.

5. Policy GC2's supporting text explains that a settlement hierarchy is in place to achieve growth targets in a sustainable way. The Policy seeks to focus housing in settlements which are well linked and well related to existing development, services, facilities and employment opportunities. This is broadly consistent with the aims of the Framework, which similarly requires new development to be accessible to services.
6. The appeal site is situated to the east side of Toad Lane outside of the designated settlement boundary. Given its grouping with other dwellings the proposed dwelling would not be isolated. However, there are very few services within the adjacent village, none of which would satisfy the day to day needs of future occupiers of the proposed development. They would need to travel further afield to access services and facilities including employment, shops and schools.
7. Whilst I have been made aware of bus services being available, I do not have full details of the regularity of these services or the destinations they attend. I am therefore not satisfied that the public transport provision offers a reasonable alternative to the use of the private car. In addition, the distance, some 15 minutes' walk from the proposed development to the bus stops, along unlit roads without footpaths, would be likely to discourage future occupiers from using the services, particularly in the dark and during inclement weather.
8. I acknowledge that there have been recent improvements to the connectivity of the site, with the provision of the Northern Distributor Route and associated cycle paths and footways. Nonetheless, I saw on my site visit, that these links are unlit and somewhat remote in nature, and whilst sign posted with destinations, the distance between places is not indicated. I do not consider that these routes would be particularly attractive or practical for everyday use. As a result, future residents would very likely be highly reliant on private motor vehicles to access services and facilities.
9. My attention has been drawn to a number of appeal decisions that the appellant considers offer support to the acceptability of the appeal scheme. While I do not have the full details of those appeals before me, they appear to relate to proposals for development outside of settlement boundaries. However, there is little evidence to indicate that any of the schemes referred to are directly comparable to the appeal scheme. Further, those appeals relate to areas outside of the Council's district. Therefore, they do not establish the suitability of the appeal site location or provide a justification for the appeal proposal. In any event, I have assessed it on its own merits.
10. I appreciate that opportunities to maximise alternative transport solutions will vary between urban and rural areas, but even taking this into account I consider that the proposal runs contrary to the objectives of Policy GC2.
11. I therefore find that the site would not be in a suitable location for a dwelling having regard to the development strategy for the area and accessibility to services and facilities. The proposal would conflict with DM Policy GC2 and the requirements of DM Policies GC1 and GC4. The proposal would also be contrary to Policies 1 and 6 of the Joint Core Strategy for Broadland, Norwich and South Norfolk 2014 and section 9 of the Framework, which each promote access to services and the use of sustainable transport.

Other matters

12. The appellant has referred to planning permission granted in 2015 for a dwelling located on Toad Lane which he considers confirms that the location is not wholly unsustainable. However, I do not have full details of what led to that scheme being deemed acceptable and, in any case, I have determined this appeal on its own merits.
13. I acknowledge that a number of journeys to and from the appeal site are already undertaken by the appellant in the course of his business. He contends that the appeal scheme would result in a reduction in the number of daily movements. However, I have no substantive evidence to demonstrate that this is an accurate assessment. Nor have I been provided with any appropriate mechanism to ensure that future occupants would work from home. Indeed, the appellant has also advised that due to the nature of their business, good connection to main roads is essential for the transport of equipment. As such, this matter does not alter my findings on the main issue.

Planning balance

14. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that the determination of planning applications and appeals must 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.
15. There is no dispute that the Council can demonstrate a five year supply of deliverable housing sites. I have set out above that the policy of the development plan most important for determining the appeal is not out of date. Consequently, paragraph 11 d) of the Framework is not engaged
16. I acknowledge that the proposal would have economic benefits in terms of creating short term employment through the construction phase and by the support for services by future occupiers. However, as it is for only one dwelling the economic benefits would be very modest. The proposal would comply with the Framework policy to boost the supply of housing, but the contribution would be limited and would not contribute to any evidenced shortfall. The proposal could be a self-build development, but I have not been provided with any details of an entry on the self-build register or any method by which a self-build would be delivered. I give this matter of self-build very limited weight.
17. The proposal is considered acceptable by the Council in terms of its design in relation to its effect on the character and appearance of the area, highway safety and the living conditions of the occupiers of neighbouring properties. From what I have seen and read I have no reason to disagree. The lack of harm in these respects is, however, a neutral factor in the overall balance. 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 regarding access to services and

facilities 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