



Appeal Decision

Site visit made on 17 June 2020

by David Spencer BA(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 10 July 2020

Appeal Ref: APP/L2630/W/20/3247374

Land adjacent Swallow Barn, Wymondham Road, East Carleton NR14 8JB

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Re-Focus Associates Pension Scheme against the decision of South Norfolk Council.
 - The application Ref 2019/2031, dated 4 October 2019, was refused by notice dated 4 December 2019.
 - The development proposed is a detached dwelling.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The planning application sought an outline permission with all matters reserved except for access and layout. The Local Planning Authority (LPA) dealt with the proposal on that basis and I have done likewise.
3. A signed and dated Unilateral Undertaking (UU) was received on 19 June 2020. The UU would secure the proposed dwelling in accordance with the legal definitions of 'self-build'. I deal with the UU separately in the decision below. On 3 July the appellant submitted a recent appeal decision (3237354) for a self-build dwelling in Shropshire. In accordance with the Inspectorate's procedural guidance both main parties were given the opportunity to comment on this late evidence.

Main Issues

4. The main issues in this appeal are whether the appeal site would represent a sustainable location for a self-build dwelling and the effect of the proposed development on the rural character and appearance of the locality.

Reasons

Sustainability of Location

5. The appeal site is situated in the countryside, a short distance to the west of the small village of East Carleton. East Carleton is within easy walking and cycling distance of the appeal site and proposed dwelling would be to the east of a small cluster of residences at the Whitehouse Farm location. In having regard to case law¹ cited by the appellant the appeal proposal would not be an

¹ Braintree DC v SSCLG, Greyread Ltd & Granville Developments Ltd [2017] EWHC 2743 (Admin); [2018] EWCA Civ 610

isolated dwelling. On this basis it would not need to demonstrate compliance with paragraph 79 of the National Planning Policy Framework (NPPF) or necessarily part 2(c) of Policy DM1.3 of the South Norfolk Local Plan Development Management Policies Document 2015 (the DMPD).

6. There is however a wider objective and spatial strategy to secure a sustainable pattern of development expressed within the development plan at Policies 1 and 6 of the Joint Core Strategy for Broadland, Norwich and South Norfolk 2011 (and amended 2014) (the JCS) and Policies DM1.3 and DM3.10 of the DMPD. Collectively, these policies seek to meet legal obligations on addressing climate change by directing development to locations which minimise the need to travel and by concentrating development close to essential services and facilities to encourage walking and cycling as the primary means of transport with public transport for wider access. In respect of the sustainable location of development in South Norfolk the strategy at Policy DM1.3 is clear that the focus for new development will be delivered with the development boundaries of settlements within the hierarchy identified.
7. East Carleton has some employment opportunities, a church, a post box and a bus shelter served by a 'dial-a-bus' scheme. I find this range of local services in East Carleton to be very limited, both in terms of what an additional dwelling could contribute towards supporting or sustaining and the accessibility to services that would support the needs and social well-being of future occupants of the proposed dwelling. The development plan does not identify East Carleton either on its own or as part of a cluster of settlements as a location where there will be opportunities for additional housing, including to support local services. Based on the evidence before me, the approach in the development plan, outlined in the paragraph above, to carefully manage any additional new housing in East Carleton is justified and consistent with NPPF paragraphs 78 and 103.
8. The larger village of Mulbarton lies to the south-east of East Carleton and contains a wider range of services and facilities, including bus stops which provide a regular daily service to Norwich. There are two connecting routes between the villages, the shorter route via the very narrow and steeply banked Catbridge Lane and a slightly longer route via Scott's Hill and East Carleton Road. Both links are very rural in their nature, with generally no footways, no lighting, largely at the national speed limit as the lanes pass through the intervening countryside and with little natural surveillance, an issue exacerbated by gentle undulations and sinuous road alignments. Neither route would be attractive for walking nor cycling over such distances, especially in winter and in the dark. As such I do not find the appeal site to be sustainably connected to Mulbarton.
9. To the west of the appeal site are the employment locations at Hethel and Ketteringham Hall. Both can be accessed by foot or cycle from the appeal site albeit over moderate distances. The former by a dedicated path along Potash Lane connecting from Wymondham Road, the latter by an informal route via a private road in the partly wooded grounds of Ketteringham Hall. Both routes are particularly remote such that users would find themselves isolated with a likely perception of vulnerability. In addition, the route to Hethel would be particularly exposed along parts of Potash Lane and thus very unappealing in inclement weather. On this basis I am not persuaded that either destination would be attractive for regular foot or cycle commuting use.

10. Overall, I find that the appeal site, whilst technically not isolated, primarily would not be sustainably located such that there would be a dependency on the need to travel and a genuine lack of choice in transport modes other than the private car to access nearly all services and facilities. I note that NPPF paragraph 103 recognises that opportunities to maximise sustainable transport solutions will vary between urban and rural areas. "Rural areas" is a broad term that would encompass rural settlements with good public transport and/or a thriving level of services. That would not apply at the appeal location. The appellant submits that an electric vehicle charging point would be provided but there is no guarantee that it would be used despite the long-term date to ban new petrol and diesel car sales. The provision of a charging point and secure cycle storage would not justify a new house in the countryside that would be poorly related to thriving rural communities and basic day-to-day facilities.
11. I therefore conclude on the first main issue, for the reasons given above, that the appeal proposal would be contrary to the spatial strategy of the adopted development plan including JCS Policies 1 and 6 and DMPD Policies DM1.3 and DM3.10. It would also fail to accord with the objectives in national planning policy for the location of rural housing and for managing patterns of growth as set out at NPPF paragraphs 78 and 103.
12. The appellant draws my attention to the emerging Greater Norwich Local Plan (GNLP), both to emerging policies on rural housing (Policies 7.4 and 7.5) and to a prospective site for housing on Rectory Road, East Carleton (Site GNLP0428). I am mindful this emerging plan is not at a particularly advanced stage, that there may well be unresolved objections and that its content may change prior to adoption. As such in accordance with NPPF paragraph 48 I attach only very limited weight to it. It is also noted that the January 2020 Annual Monitoring Report indicates a sustained housing need to 2038 that the GNLP will need to address. How that longer-term housing requirement is sustainably met is best considered strategically through the ongoing GNLP process rather than prematurely through ad-hoc proposals for single dwellings in the countryside.

Character and Appearance

13. The appeal site is in the countryside comprising a modest parcel of land at the edge of a small cluster of traditional buildings associated with the Whitehouse Farm complex. These buildings have been sympathetically converted to retain the character and appearance of a traditional farmstead such that any residential character is closely contained within the original group of barns and does not incongruously spill out into the adjoining countryside. The position of the proposed dwelling would be inharmoniously detached from this tightly knit group of traditional rural buildings such that it would appear as an abrupt and disconnected protrusion of development into verdant countryside. The very modest and subservient outbuildings at Swallow Barn which are intrinsically rural in character would not coherently link or relate the proposed dwelling to the wider farmstead complex.
14. The countryside on this southern part of Wymondham Road between the edge of East Carleton and the Whitehouse Farm group of buildings is characterised by relatively modest field parcels, including the maturing orchard on which the appeal site is partly located. In contrast to the openness of surrounding larger arable fields, these fields retain a notable intimate scale and long-established verdant character. The appeal proposal would harmfully erode these qualities

by materially reducing the appealing open countryside gap along this part of Wymondham Road. Notwithstanding the presence of mature hedging along the Wymondham Road frontage the proposed widened entrance and glimpsed views of the dwelling would confirm the domestic character of the appeal proposal as a harmful erosion of the prevailing verdant countryside character.

15. I note that the nearby Whitehouse Farmhouse is a Grade II listed building. This heritage asset is a sufficient distance away from the appeal site such that its setting would be preserved by the development. This does not, however, outweigh my principal concerns regarding the harm to the wider countryside character. In contrast to other appeal decisions provided by the appellant, the proposed dwelling would not be infill. Nor are my concerns about the harmful impact on the character and appearance of the countryside allayed by the finished appearance being a reserved matter.
16. I therefore conclude that the layout and position of the appeal proposal would significantly harm the rural character and appearance of the locality. It would therefore be contrary to JCS Policy 2 and DMPD Policies DM1.4(d, (i)) and DM3.8. These policies require, amongst other things, that new development respects and reinforces local distinctiveness, respects the landscape character and secures a successful integration into its surroundings. It would also fail to accord with the objectives of the NPPF at paragraph 127 which seek development to be sympathetic to local character and maintain a strong sense of place.

Other Matters

17. The appeal proposal would be self-build, a form of housing encouraged by the NPPF and promoted under the Self-Build and Custom Housebuilding Act 2015 (as amended). Both the NPPF (paragraphs 59 and 61) and the Planning Practice Guidance (section 57) also encourage the provision of a variety of housing to meet the needs for different groups including people wishing to build their own homes.
18. From the evidence from the self-build register there would appear to be good levels of interest for this type of housing in South Norfolk consistently over several base periods. The legal definition of self-build means those dwellings commissioned by individuals for their own home to be constructed either by themselves or by a builder on their behalf.
19. Whilst I accept a legal obligation is a way of ensuring compliance with the legal definition it seems to me entirely logical and reasonable that a number of single permissions granted in the District would also qualify against that legal definition. I recognise the challenge is being able to quantify with certainty what proportion of those single permissions are self-build in the absence of a legal obligation. As such a discount should be applied to the Council's method of counting all single permissions. In that regard, however, I cannot go as far as my colleague in North West Leicestershire (3214451) in discounting all single permissions that do not have legal agreement. The appellant in this case draws my attention to the variance between the single dwelling permissions and the number of self-build exemptions sought under the Community Infrastructure Levy regime. I find this to be a more reasonable approach which shows there is currently a modest shortfall in meeting self-build need based on the existing base period to the end of October 2020.

20. The appellant has submitted a UU which would provide an undertaking that the dwelling would be in accordance with the legal definition of self-build unless otherwise agreed. Given the UU would secure a type of housing for which there is a need and legal obligation on LPAs to plan for, I share the assessment of my colleagues elsewhere (3213122 and 3237354), that it would meet the tests under Regulation 122(2) of the Community Infrastructure Levy Regulations 2010 and paragraph 56 of the NPPF. As such I have taken it into account.
21. Accordingly, there would be a benefit from the provision of a single self-build dwelling. Given the relatively modest shortfall in provision I give this benefit only moderate weight. I note this would be consistent with the recent Leintwardine appeal (3237354) submitted by the appellant.
22. Both parties have referred to numerous appeal decisions both in South Norfolk and further afield. I have taken them into consideration, where relevant. Whilst I have little information to the detailed background of these appeals it is clear in a number of cases that some of the principal matters are materially different to those before me in terms of the sustainability of location, the absence of a deliverable housing land supply and the absence of environmental harm to countryside character. It is noteworthy, however, that a number of the appeals relied on by the appellant appear to more sustainably located being at the edge of or very close to settlements with services and public transport, thus distinguishing them from this appeal. In any event, all proposals must be considered on their individual merits, which is the approach I have taken in determining this appeal.

Planning Balance and Conclusions

23. As set out above, the appeal proposal would result in significant harm in respect of the two main issues identified for this appeal. It would therefore be contrary to the adopted development plan. Planning law is clear that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.
24. The matter of whether there is a five-year supply of deliverable housing land is disputed but I find the LPAs evidence, including the recent annual monitoring report outputs (January 2020) to be persuasive in confirming the existence of a robust five-year deliverable housing land supply within the Greater Norwich area. I also note the recent Long Stratton inquiry appeal decision (3215019) confirmed similar. As such the route to engaging the tilted balance in favour of sustainable development via NPPF paragraph 11(d) footnote 7 does not exist.
25. The appellant submits that the development plan is “fairly silent” on the matter of self-build. In broad terms the NPPF requires development plans to deliver a sufficient supply of homes to meet the needs of different groups including those wishing to commission or build their own homes. As set out above, I am satisfied that the healthy land supply in the District is meeting housing need and that general housing land supply policies are relevant in that they are providing for a good proportion of self-build needs. As such I share the conclusion of my colleague in a recent appeal decision in South Norfolk (3234419) that the policy framework in the development plan is not precluding the opportunity for sustainably located self-build development. Consequently, the relevant development plans policies most important for determining this appeal remain up to date.

26. It is submitted that the construct of DMDP Policy DM1.3 part 2 (d) provides in itself a route to allow development proposals in the countryside where there are overriding benefits in terms of economic, social and environment dimensions. Part 2 (d) of Policy DM1.3 cross references broadly to policy DM1.1 of the same DPD. This was considered in the recent Orbit Homes appeal for 52 dwellings at Long Stratton (3215019) where my colleague found that there was no specific requirement to only trigger criterion (d) of DM1.1 to engage DM1.3 part 2 (d). Whilst I have some reservations as to whether this was the intended interrelationship of how Policies DM1.3 and DM1.1 would work I nonetheless agree with my colleague at paragraph 18 of her decision that it would involve “...weighing up the fundamental policy harm in allowing un-planned development in what should be a genuinely plan-led planning system, along with any additional harm arising...” (my emphasis). I also share my colleague’s assessment at paragraph 45 of the decision that the overriding benefits required by Policy DM1.3 would require a reasonably high threshold.
27. For the reasons given above I ascribe only moderate weight to the benefit of the self-build nature of scheme, being secured by a UU. The proposal would also provide economic benefits during its construction although as a single dwelling I give this only limited weight. The appellant submits that the dwelling would provide economic and social benefits to the sustainability of the local economy and services. There are scant services or facilities in East Carleton and no guarantee that once in a car, future occupants of the dwelling would routinely support services in Mulbarton village over other higher order destinations such as Wymondham or the fringes of Norwich. Accordingly, I give almost negligible weight to these asserted benefits. The environmental benefits of sustainable construction and energy and water efficiency are neutral in the balance given all new housing should be built to good building standards.
28. On the other hand, I find the harm arising from the conflict with an up-to-date development plan which is otherwise meeting housing needs, from an additional self-build dwelling in an unsustainable countryside location, to attract significant weight. I also attach significant weight to the environmental harm identified from the resultant encroachment into verdant countryside and the poor relationship to the established pattern of development. Accordingly, the adverse impacts would significantly and demonstrably outweigh the small benefits such that the appeal proposal would not amount to sustainable development. It would therefore be contrary to DMPD Policy DM1.3.
29. I have had regard to all other matters raised, including those representations of support, but find there are no material considerations in this case to approve a development that would be contrary to the development plan. The appeal is therefore dismissed.

David Spencer

Inspector.