
Appeal Decision

Site visit made on 30 June 2020

by Jonathan Price BA(Hons) DMS DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13 July 2020

Appeal Ref: APP/L2630/W/19/3243737

The Street, Fundenhall, Norfolk NR16 1DS

- 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 Peter Easton against the decision of South Norfolk Council.
 - The application Ref 2019/1085, dated 14 May 2019, was refused by notice dated 25 June 2019.
 - The development proposed is new single-storey dwelling with integrated garage.
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Decision

1. The appeal is dismissed.

Main Issues

2. Whether this proposal would be acceptable with regard to (i) local and national planning policy for the location of new housing development, (ii) the degree of reliance on private car journeys to meet essential household needs and (iii) the character and appearance of the area.

Reasons

(i) Local and national planning policy for the location of new housing development

3. The proposal is an L-shaped bungalow set in a third of a hectare site that fronts onto a highway. The appeal site comprises a quite large area of undeveloped pasture that lies immediately beyond the loose aggregation of development at Fundenhall Street. This small rural hamlet lies outside of any defined settlement boundary and so is classed as countryside for development plan policy purposes.
4. The development plan comprises the South Norfolk Local Plan and includes the Development Management Policies Document¹ (DM) and the Joint Core Strategy² (JCS). The National Planning Policy Framework (the Framework), revised in February 2019, is also a material consideration to which significant weight is given.
5. Policy DM 1.3 requires that new development should be located so that it positively contributes to the sustainable development of South Norfolk as led by the Local Plan. In the countryside, development is limited by Policy DM 1.3 to where specific policies allow for this outside of development boundaries,

¹ South Norfolk Local Plan Development Management Policies Document – Adopted Version October 2015.

² Joint Core Strategy for Broadland, Norwich and South Norfolk. Adopted March 2011, amendments adopted January 2014.

none of which apply in this case, or where overriding benefits in terms of economic, social and environment dimensions as addressed in Policy (DM)1.1 are demonstrated.

6. Policy (DM) 1.1 embodies the presumption in favour of sustainable development as currently set out in paragraph 11 of the Framework. Policy DM1.3 is broadly consistent with the objectives of the Framework for securing sustainable development by focussing most development where this reduces the need for travel and protects the character of the less developed countryside.
7. Therefore, the proposal would conflict with Policy DM 1.3 insofar as this seeks that the location of new development contributes positively to sustainable development. This would be unless the dwelling sought provided economic, social and environmental benefits which overrode any harm found from the further reasons on which the Council's decision was based.

(ii) The degree of reliance on private car journeys to meet essential household needs

8. Fundenhall is a small, loosely arranged settlement. It lies in countryside between the somewhat larger villages of Ashwellthorpe and Tacolneston, some miles distant from the nearest more substantial centre of Wymondham. Fundenhall contains few services beyond a church and a bus service that only operates one day per week. A walk utilising the network of Public Rights of Way in the area, or a short bicycle or car journey, permits access from the appeal site to the services available in the nearer villages. Generally speaking, however, occupiers of a dwelling in this location would be highly dependent upon use of a private car to access supermarkets, schools, employment, medical centres and to meet other regular needs not available in the immediate locality.
9. Consequently, the proposal would engender a high degree of reliance on private car journeys to meet essential household needs. This would conflict with Policy 1 of the JCS and with Policy DM3.10. These support sustainable transport and seek to minimise the need to travel, giving priority to low impact modes. These policies are consistent with the objectives for promoting sustainable transport in part 9 of the Framework.
10. As set out in Framework paragraph 103, these objectives can be achieved by focusing significant development on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes and thus helping to reduce congestion and emissions and improve air quality and public health. I have taken into account that the opportunities to maximise sustainable transport solutions are less in rural areas. It is not expected that these would be capable of offering the same opportunities as cities. Nevertheless, the narrow unlit country lanes without footpaths in this area, coupled with the lack of a daily bus service, would make this development particularly unconducive to sustainable transport use.
11. The bungalow is for the appellant's daughter, who already lives at Saunders Barn to the west of the appeal site. It is claimed therefore that in this respect the proposal would not add to existing car journeys. However, the proposal would still add a net additional household, so this factor does not alter my conclusion that occupiers of a dwelling in this location would be mainly reliant

on private car journeys to meet essential needs, contrary to policy aims within both the development plan and the Framework.

(iii) The character and appearance of the area

12. There is nothing intrinsically unacceptable with the design of dwelling, which is redolent of a low-level farm building and capable of being screened by existing and proposed perimeter planting. However, the site does not lend itself to a further dwelling by being either an obvious infill or a rounding off of development. The design and landscaping would not disguise a quite spacious bungalow, set centrally within a rather large site, resulting in the haphazard spread of development into the open countryside. Whilst the scheme might perpetuate the present loose aggregation of development at Fundenhall Street, this would still be at the expense of significant visual harm in this rural location.
13. For these reasons, the proposal would have a significantly harmful impact and detract from the character and appearance of the area. This would be contrary to policies JCS 1, DM1.4 d) i, DM3.8(1) and DM4.5, which require developments to make a positive contribution to local landscape character and distinctiveness.

Planning Balance and Conclusion

14. The proposal would meet a specific housing need for the appellant's daughter and allow for future retirement accommodation and old age care. I give some positive weight to meeting this family need and to the dwelling coming forward on a self-build basis. The Council has over recent years granted permissions which provide for a reasonable supply of self-build housing sites, for which there is no policy provision outside of development boundaries. Councils are required to keep a register of those seeking serviced plots of land in their area in order to build their own home. However, the appellant has not provided detailed evidence that the supply in South Norfolk is not meeting the demand for these.
15. As the land is adjacent to existing housing, this proposal would not be the development of an isolated home in the countryside, as established by the quite recent Braintree high court ruling³, that paragraph 79 of the Framework seeks decisions avoid. However, this does not alter my findings over the relatively poor accessibility of the site nor the fact that restrictive policies still apply to proposals outside of development boundaries. The appellant refers to where the Planning Practice Guidance advises that a wide range of settlements can play a role in delivering sustainable development in rural areas, so blanket policies restricting housing development in some types of settlement will need to be supported by robust evidence of their appropriateness⁴. However, Policy DM 1.3 does not impose a blanket ban and makes provision for development which either requires a rural location or otherwise provides overriding economic, social and environmental benefits.
16. The appellant refers also to the preceding paragraph 78 of the Framework whereby to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. It continues that planning policies should identify opportunities for villages to

³ Braintree DC v SSCLG [2018] EWCA Civ. 610 Case No: C1/2017/3292

⁴ Paragraph: 009 Reference ID: 67-009-20190722 - revision date: 22 07 2019

grow and thrive, especially where this will support local services and that where there are groups of smaller settlements, development in one village may support services in a village nearby. However, Fundenhall lacks a kernel of services to enhance or maintain. A single dwelling would not likely make Fundenhall part of a network of shared service providers within a group of settlements. In all, paragraph 78 does not alter my previous conclusion over service inaccessibility.

17. The Council can currently demonstrate a five year housing land supply (5YHLS) as required under paragraph 73 of the Framework. Following the Council's successful challenge to the findings in another appeal in South Norfolk⁵, this is not required to be demonstrated solely through adhering to the provisions in paragraph 74, which are deemed to be indicative. The Council's policies most important for determining this appeal are not out-of-date either due to a lack of proven 5YHLS or to their age. The currency of these policies is established by their close degree of consistency with those of the Framework.
18. In respect of paragraph 84 of the Framework, the recognition that sites to meet local business and community needs in rural areas may have to be found adjacent to or beyond existing settlements, and in locations that are not well served by public transport, is not considered relevant to this housing proposal that meets personal needs.
19. I have had regard to the other appeal decisions quoted, where Inspectors have permitted dwellings outside of development boundaries. My own decision⁶ to permit three houses in Tharston related to a site which was much closer to the good range of services in nearby Long Stratton. Comprising the rounding off of an enclave of residential development, that scheme was not closely comparable to this, which would extend development further into open countryside within a much more remote location. Another of my recent decisions⁷, over two dwellings at Newman's Green in Suffolk, related to an infill site in an undefined settlement near to the good range of services in Sudbury, accessible from a nearby bus stop providing a quite frequent service, thus differing in a number of ways to this particular case.
20. I have considered all the other appeal decisions submitted in evidence, which deal with the issues I have already covered, and none are entirely comparable nor alter my position in respect of this appeal. Inspectors have taken differing views over the 5YHLS situation in this area, as evidence changes over time. For the sake of argument, should I not accept the Council's 5YHLS position, relevant policies would then be out of date. The weight of Framework paragraph 11 d) ii would then apply, meaning allowing the appeal unless factors overcame the 'tilted balance'.
21. Having already given some degree of weight to the personal need put forward, and the contribution made to the supply of self-build plots, any additional benefits of a single dwelling in this location would be very small. I have taken into account Framework paragraph 68 and recognise that small sites such as this can make an important contribution to meeting housing requirements, especially given that these can often be built out relatively quickly. Nonetheless, a single bungalow would provide both limited social benefits to

⁵ APP/L2630/W/18/3209464

⁶ APP/L2630/W/18/3197272

⁷ APP/d3505/w/18/3196882

boosting housing supply and limited economic benefits through construction and future household expenditure. Any environmental benefit from sustainable design and biodiversity enhancements, if not neutral factors, would be minor and more than offset by the harm from high car dependency. Therefore, the adverse impacts of allowing this proposal, identified previously, would significantly and demonstrably outweigh these small benefits, when assessed against the Framework policies taken as a whole.

22. The proposal would therefore not benefit from the presumption in favour of sustainable development provided by the Framework. As a material consideration, this would thus not indicate this appeal be decided other than in accordance with the development plan, where I find there to be conflict when considered as a whole. I therefore conclude that the appeal should be dismissed.

Jonathan Price

INSPECTOR