The Planning Inspectorate

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: 14 July 2020

Appeal Ref: APP/L2630/W/19/3242648
Oak Tree Farm, Alburgh Road, Hempnall, Norfolk NR15 2NP

- 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 Quinton Brown against the decision of South Norfolk Council.
- The application Ref 2019/0959, dated 24 April 2019, was refused by notice dated 7 June 2019.
- The development proposed is erection of dwelling and garage.

Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by Mr Quinton Brown against South Norfolk Council. This application is the subject of a separate Decision.

Main Issues

3. Whether this proposal would be acceptable with regard to development plan policy and other material considerations, taking into particular account accessibility to services and facilities.

Reasons

4. The appeal site is in the small linear settlement of Hempnall Green, located within a rural part of South Norfolk. This section of Alburgh Road features both intermittent development, including homes, farmsteads and other businesses, as well as a more continuous stretch of ribbon housing.

5. Sited slightly to the fore and at the side of the host farmhouse, the dwelling would be of a design reminiscent of a converted farm building and, screened by trees, would cause no harm to the character and appearance of the area. Sharing the Oak Tree Farm entrance to Alburgh Road, there would be no highway safety concerns. The appeal location is not at high flood risk or subject to any special protective designation that might weigh against a development here. These factors would all be neutral matters in my assessment.

6. The development plan comprises the South Norfolk Local Plan and includes the Development Management Policies Document[1] (DM) and the Joint Core

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

Strategy[2] (JCS). The National Planning Policy Framework (the Framework), revised in February 2019, is also a material consideration to which significant weight is given.

7. The appeal site is around one mile outside the development boundary defined around the main nucleus of Hempnall village. This is where most local services and facilities, including the primary school and medical centre, are focussed. Hempnall Green has fewer services although there is a bus stop, farm shops and public house near to this proposal. However, outside of the development boundary for Hempnall, the appeal site is within countryside as defined for development plan policy purposes.

8. The few nearby services would be insufficient to meet day to day household needs. Due to the distances to other service centres, and the lack of a particularly frequent bus service, it is reasonable to conclude that future occupiers of a dwelling on this site would be mainly reliant on private car use to meet regularly required needs. This would include access to local services, such as in Hempnall, and facilities likely to be further away, such as places of work, secondary education and supermarkets. Therefore, the proposal would conflict with JCS policies 1 and 6 and Policy DM3.10. These support sustainable transport and seek to concentrate development where services are present to minimise the need for travel and encourage low impact modes.

9. Paragraph 103 of the Framework requires I account for the fact that opportunities to maximise sustainable transport solutions vary between urban and rural areas. Rural areas would not be expected to offer the same opportunities for low impact modes of travel as cities. JCS Policy 6 establishes the aim to improve access to rural areas but recognises that private car use with remain an important means of travel. However, I do not construe either of these as actively encouraging housing to be located in places with poor sustainable transport opportunities, given this would simply add to road congestion and traffic emissions, thus failing to improve air quality and public health.

10. In the countryside, outside of defined settlement boundaries, development is limited by Policy DM 1.3 to where specific policies allow for this, 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.

11. Policy (DM) 1.1 embodies the presumption in favour of sustainable development as currently set out in paragraph 11 of the Framework. Despite being small scale and quickly deliverable, the social benefits of a single dwelling would remain very small. Similarly, the local economic benefits from the construction and future maintenance of the dwelling, and the additional household expenditure, would also be very limited. There would be environmental disadvantages from this scheme adding to private car journeys in the area.

12. Therefore, this proposal would not provide the level of economic, social and environment benefit, as addressed in Policy (DM) 1.1, to override the harm found from undermining the development plan strategy for locating new housing and introducing a further dwelling where reasonable access to services

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

and facilities would depend mainly on private car use. The proposal therefore conflicts with Policy DM 1.3 which seeks that new development be located so that it positively contributes to sustainable development. I have considered the recent appeal decision submitted by the appellant where the Inspector struck the balance the other way and allowed a single dwelling elsewhere in this District[3]. However, the circumstances are not entirely the same, notably in that other case relating to a site much closer to a defined settlement boundary.

13. Attaching due weight to the Framework requires me to apply a presumption in favour of sustainable development as set out in paragraph 11. Should the policies most important for determining the appeal be out-of-date, this would mean granting permission. This is unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole (now commonly known as the 'tilted balance').

14. For applications involving the provision of a dwelling, out-of-date might relate to situations where the Council cannot demonstrate a five year supply of deliverable housing sites. The detailed evidence is not provided to show this to be the case in South Norfolk. Instead, the appellant relies mainly on the view that Policy DM 1.3 is out of date in being unduly restrictive and requiring dwellings outside development boundaries to be permitted only in exceptional cases. The appellant considers this inconsistent with the Framework, which applies this only to isolated homes in the countryside, thus seeking I apply the Framework's 'tilted balance'.

15. The dwelling proposed is near to other houses and so would not comprise the development of an isolated home in the countryside that paragraph 79 of the Framework seeks decisions avoid, other than in specified circumstances. Paragraph 78 states that to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. Neither of these Framework paragraphs preclude a restrictive policy such as DM 1.3, where this is a practical means to focus development into the more sustainable locations. I therefore consider it reasonable for Policy DM1.3 to allow housing in the countryside only in exceptional circumstances or where the benefits are overriding.

Conclusion

16. Even if I were to agree that Policy DM 1.3 was out of date, requiring that weight be given to the Framework's 'tilted balance', the adverse impacts of granting permission for a dwelling in the countryside, in conflict with development plan policy and where there would be a high reliance on private car use, would significantly and demonstrably outweigh the limited benefits identified. Material considerations 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

[3] APP/L2630/W/19/3229614: Brook Cottage, Deopham Road, Morley St Botolph