



Appeal Decision

Site visit made on 16 July 2020

by S A Schinaia MSc EngD FGS

an Inspector appointed by the Secretary of State

Decision date: 7th September 2020

Appeal Ref: APP/L2630/W/20/3250256

Beech Farm, Tunbeck Road, Alburgh IP20 0BS

- 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 Mr & Mrs Soanes against the decision of South Norfolk District Council.
 - The application Ref 2019/1690, dated 16 August 2019, was refused by notice dated 10 January 2020.
 - The development proposed is the erection of 4 no. dwellings with garages, access and associated development.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The application for planning permission is made in outline with all matters reserved except for access and layout. I have had regard to the site location plan and the amended site plan, Drg No. 116-19-0100 P2, dated 09.12.19, with regards to matters of access and layout only.

Main Issues

3. The main issues are whether the appeal site would be a suitable location for the proposed development having regard to the (i) development strategy for the area and accessibility to services and facilities, and (ii) the character and appearance of the rural area, and (iii) whether the proposal would preserve the setting of the adjacent listed building.

Reasons

4. The appeal site is located in Piccadilly Corner, an area south of the village of Alburgh. The site is a plot within the property of Beech Farm, which includes Gayridge, a Grade II listed building, and other buildings in the northeast area closed to the junction of Tunbeck Road with Station Road. The appeal site has two disused poultry sheds along the eastern side, now used to store wood. On the other side of Tunbeck Road to the west, there is the South Farm complex, which has diversified into a number of businesses, including a brewery.
5. To the south, there is a property formerly part of Beech Farm, where an application for prior notification under Class Q of the General Permitted Development Order (GDPO) was approved for conversion of barns to residential use further east within the site. A later planning permission for a dwelling was

granted on a fallback position. The site is then surrounded by agricultural fields and farmland to the south and east and in the wider context beyond the developments that align along the highways.

6. The current application is to demolish the existing sheds and erect four dwellings on the site. A previous application for prior notification under Class Q of the GDPO for conversion of the sheds was refused in 2019 because the level of works required was deemed to go beyond what could reasonably be considered a conversion.

Development strategy

7. The site is over 1.25 km from the settlement boundary for Alburgh. Paragraph 1.19 of the supporting text to Policy DM 1.3 of the South Norfolk Local Plan Development Management Policies (2015) (SNLP) explains that the Council's development strategy was introduced to take account of different local areas, promote the vitality of urban areas and recognise the intrinsic character and beauty of the countryside, while supporting rural communities in agreement with the policies of the National Planning Policy Framework (the Framework).
8. Any area outside of the defined settlement boundaries is referred to as countryside, in which paragraph 1.23 and Policy DM 1.3 of the SNLP states that the Council will support development proposals only in exceptional cases, consistent with specific development management policies or site allocation, or where there are demonstrated overriding benefits in terms of economic, social and environmental dimensions, as addressed in policy DM 1.1 of the SNLP. Policy DM 1.3 is consistent with paragraph 8 of the Framework which requires planning systems to play an active role in guiding development to sustainable solutions, also in terms of appropriate locations.
9. I interpret 'specific development management policies' to be policies of the development plan that address specific categories of cases, such as commercial uses, or agricultural worker needs for example. Consequently, where a proposal does not fall in a specific category or a specific policy does not exist, the proposal has to demonstrate 'overriding benefits in terms of economic, social and environmental dimensions' or in other words it should demonstrate that is a sustainable development.
10. This is the equivalent of engaging Policy DM 1.1(d) of the SNLP or paragraph 11 of the Framework in cases when the development plan is lacking in policies for a specific category. However, if a proposal is found to be not compliant with the other policies of the development plan, which are consistent with the Framework, or not compliant with the Framework, there is no trigger for applying paragraph 11 of the Framework; this is because conceptually, since the development plan and the Framework are built on the principles of sustainable development, the proposal has consequently also failed to comply with one or more dimensions of sustainability.
11. The proposed development is for open market housing, the site is not allocated and there is no development plan policies, other than those concerning rural housing, that promotes development on it. Therefore, following from Policy DM 1.3, it should be demonstrated that there are overriding benefits from the development.

12. Although the proposed dwellings would not be physically isolated, the appeal site presents itself as a remote location. Alburgh is a small village almost entirely developed along Tunbeck Road, with very limited services and facilities, namely a village hall with sport facilities, a primary school, a pre-school nursery, and a church. In addition, in the vicinity of the site I could locate a brewery shop with limited working days and hours during the week, and a farm shop to the north end of the village. To the south there is the village of Wortwell, with a slightly higher range of services and facilities.
13. The appeal site is about 20-minute walking distance from both villages, although the school and nursery are closer. However, there are no footpaths and the roads are unlit and to reach Wortwell pedestrians would need to cross the A143. Cycling is a feasible option also to reach the larger villages of Harleston and Bungay, about 5 km and 9 km, respectively. There is a bus route in Piccadilly Corner connecting Norwich and Harleston, but although there are services scheduled every two hours as stated by the appellant, only one service stops in the Alburgh's area each direction per day to allow people to reach Norwich for daytime employment and studying.
14. Given the very limited availability of facilities and services in the surrounding area, also in terms of public transport, the occupiers of the proposed development would have to rely on the use of cars to access services and facilities in larger settlements on a daily basis. Therefore, the site location would not be a suitable location for the scheme, due to the very limited accessibility.
15. In reaching this view, I have taken into account paragraph 103 of the Framework, which indicates that opportunities to maximise sustainable transport solutions will vary between urban and rural areas. Alburgh has already a settlement boundary and the Council policy is to concentrate housing in rural communities within those boundaries rather than further afield, to prevent urban sprawl and to maximise resources to address issues of accessibility to services and facilities and respond in the most effective way to climate change issues.
16. The appellant pointed out that installing electric vehicle charging points would improve the sustainability of the proposal. Installing electric charging points would require a certain energy infrastructure. Such a condition would facilitate the use of electric cars but not bind future occupiers to use exclusively low emissions vehicles. Furthermore, the environmental concerns regarding the location are not only related to emissions but also to the disturbance to the countryside brought about by the urbanisation of the area within wider issues related to biodiversity and climate change.
17. Therefore, I conclude that the proposed development would not be in a suitable location with regards to the development strategy and accessibility to services and facilities. The proposal would be contrary to Policies DM 1.3 and DM 3.10 of the SNLP. Policy DM 3.10 aims to promote sustainable transport and reduce the need to travel.
18. The appellant has brought to my attention an appeal for a scheme of three dwellings allowed in Tharston, South Norfolk¹. The site is in the outskirts of a large settlement, Long Stratton, and the Inspector identified that the use of

¹ APP/L2630/W/18/3197272

footpaths and rights of way would represent alternative means other than by private car that could facilitate access to a range of services and facilities much larger and closer than those available to the future occupiers of the proposed development. Therefore, the circumstances of the two appeals are different and I have assessed this appeal on its own merits.

19. The appellant has also referred to an appeal² that was decided in 2019 in Long Stratton, South Norfolk. The appellant contends that the Council in recent decisions, including this appeal, has misinterpreted its own policies regarding housing development outside of development boundaries and that the appeal decision offers a correct interpretation of the Council's development plan that would also lead to allow this appeal.
20. However, I agree with the Inspector view that Policy DM1.3(2)(d) simply refers to economic, social and environment dimensions as addressed in Policy 1.1, and that the application of Policy DM1.3(2)(d) requires the decision maker to apply the principles of sustainable development in order to assess whether the benefits of the development would present overriding reasons to develop in the countryside and outside the defined settlement boundary. The appeal for the development of 52 dwellings outside the development boundary of Long Stratton was dismissed because the proposal was not compliant with the development plan and did not present overriding benefits.

Character and appearance

21. The surrounding area is characterised by sparse dwellings mostly concentrated around the junction between Tunbeck Road and Station Road to the north of Beech Farm. To the south of Beech Farm there are agricultural fields including the appeal site, with only a few buildings further south along Tunbeck Road up to Wortwell. The recently built house to the southeast has a planning history linked to the presence of a barn and planning permission was granted following a fallback position to a previous prior approval. The other buildings in the area are commercial and employment buildings, mainly linked to agricultural use of the land.
22. Although the appeal site is located between the buildings of Beech Farm and a farm complex, it would not constitute an infill development due to the open and rural character of the area to the south. I accept that the appeal site is mostly screened from the highway by hedgerow, but it can be seen when approaching the site from south and north. In addition, the proposed development of four dwellings with garages would lead to domestication and consolidation of the built form in the countryside and significantly alter the character of the rural landscape.
23. Several representations supported the proposal on housing needs and support to the local community. However, such benefits of the proposal would not outweigh the harm identified. Some residents supported the scheme as it would be preferable to the chicken sheds; however, those structures were built as part of the farming uses and would be expected in a rural landscape, while the harm brought about by the proposal would increase and consolidate the built environment in a countryside setting.

² APP/L2630/W/18/3215019

24. Therefore, I conclude that due to the adverse impact on the character of the rural area and landscape the proposed development would conflict with Policy DM 4.5 of the SNLP, which requires developments to respect, conserve and possibly enhance the distinctive landscape character of their immediate and wider environment. As such, the proposal would also conflict with Policy DM 3.8(4) of the SNLP, due to its impact on the character of the area.

Listed building

25. Gayridge, is a substantial C17 timber-framed and thatched Grade II listed house. The significance of the listed building lies in its rural location and its relationship with the surrounding fields, which is a testimony of the rural heritage of the area. Historically, rural houses were surrounded by vast, mostly undeveloped land used for farming and this is still the case in the surrounding area to the south and southeast of Beech Farm.
26. As the appeal site is immediately south of Gayridge, the proposed development would be within the setting of the listed building. Although scale is a reserved matter, the proposed development of 4 dwellings and garages would suggest a considerable amount of built form within the setting of the house. Furthermore, the house is visible through the gaps of a hedgerow from within the appeal site and further south, across the site, from open countryside. The proposed development would erode from the relationship of the house with the open countryside, and therefore harm the significance of the listed building.
27. For the above reasons, I conclude that the proposed development would not preserve the setting of the listed building and would cause less than substantial harm to the significance of the heritage asset. Therefore, I conclude that the proposal would be contrary to Policies DM 1.4(b) and DM 4.10 of the SNLP, which respectively aim to protect designated assets and local distinctiveness and require development to not affect the significance of heritage assets. The proposal would also conflict with the policies of section 16 of the Framework aiming to conserve and enhance the historic environment.
28. According to paragraph 196 of the Framework, when the harm to the heritage asset is less than substantial, this harm should be weighed against the public benefits of the proposal. The proposal would result in modest social and economic benefits as it would contribute 4 dwellings to the housing land supply and provide temporary building contracts, respectively. Future occupiers would also sustain the local rural community. There is also the opportunity of self-build schemes which would also favour the proposal.
29. However, the Council indicate that there is a satisfactory supply of self-build plots across the district and, even if that was not the case, self-build developments would still need to be compliant with local and national planning policies. Also, as already pointed out earlier, there is not a specific need to have dwellings in this location. Therefore, the public benefits of the proposal are modest and do not outweigh the harm to the heritage asset identified above.
30. With regards to the heritage asset, the appellant has brought to my attention an appeal allowed for a dwelling in Morley St Botolph, South Norfolk, in which the appeal site is in the vicinity of two listed buildings. Circumstances are different from this appeal as the Inspector found that the scheme would not have harmed the setting of the heritage asset, due to the presence of

buildings, a road and vegetation that physically separates the site from the listed buildings.

31. Furthermore, unlike this appeal, the proposal for a dwelling was in a plot that would constitute infill inside the village and about 100 m from its settlement boundary. The development in Morley St Botolph would be consistent with the development pattern and density of the surrounding area and integrated within the village in general. In addition, the Inspector did not find issues of limited accessibility or any other issue.

Planning balance

32. The Council indicate that they can demonstrate a joint housing land supply of 5.89 years with the Norwich and the Broadland Councils, where South Norfolk Council alone is able to demonstrate a supply of 5.61 years³. The appellant contends that the figures on housing land supply provided by the Council should be recalculated and that the appellant's reassessment has resulted in a housing land supply of 4.83 years, which would trigger the application of paragraph 11 of the Framework.
33. Even if I were to find that the housing land supply was in the region suggested by the appellant, I have found that the Framework policy relating to heritage assets in paragraph 196 indicates that development should be restricted in this location, and therefore the presumption in favour of sustainable development cannot be applied to this appeal. I have also identified that the proposal would conflict with the development plan and therefore would not present overriding benefits in terms of the three dimensions of sustainable development.

Other Matters

34. Several representations objecting to the proposal were mainly on the basis of impact on the countryside, development outside settlement boundary and highway issues. I am satisfied that the appellant provided an amended plan with a new access to the scheme, to address the objection to the initial arrangements made by the Local Highway Authority. However, this does not outweigh the harm identified.

Conclusion

35. For the reasons set out above, I conclude that the appeal should be dismissed.

S A Schinaia

INSPECTOR

³ Joint Core Strategy for Broadland, Norwich and South Norfolk. Appendix A - Greater Norwich area Housing Land Supply Assessment 1st April 2019. January 2020.