
Appeal Decision

Site visit made on 8 September 2020

by Jonathan Price BA(Hons) DMS DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 September 2020

Appeal Ref: APP/Y2620/W/20/3254099

Eagle Road, Erpingham, Norfolk NR11 7AD

- 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 Alston against the decision of North Norfolk District Council.
 - The application Ref PO/20/0100, dated 17 January 2020, was refused by notice dated 29 May 2020.
 - The development proposed is eight open-market dwellings (with four garages), a new public footpath to School Road, a storm attenuation basin and all other matters reserved except for highway access.
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Decision

1. The appeal is dismissed

Procedural Matter

2. As described, the application was made in outline with all detailed matters reserved for later consideration apart from access. The appeal has been decided on this basis, with the additional layout details considered as illustrative only.

Main Issues

3. Whether this would be an appropriate location for the housing proposed with regard to development plan policy concerning rural development, accessibility to services and facilities, residential density, dwelling type and mix, village setting and landscape character, surface water drainage and the living conditions of neighbouring residents.

Reasons

4. The proposal would occupy part of an arable field both adjacent to and facing main built up parts of the village. Erpingham has some 250 homes mostly arranged in a consolidated form and surrounded by large extents of mainly open countryside. Access would be via a private driveway from Eagle Road where the housing opposite the appeal site forms part of the main core to the village. The site is adjacent to the village pub with a proposed footpath linking the housing to School Road. Undeveloped land is to the other two sides of the site, including the remainder of the field in the appellant's ownership.
5. The appeal site comprises most of a larger parcel of land where planning permission has recently lapsed for 10 dwellings, six affordable and four open-market, allowed under development plan policy as a rural exception site. That

scheme had proved difficult to implement and so the current proposal has been reduced to eight dwellings, all open market homes. The scheme would be below the threshold for providing at least 10% affordable homes as required by the National Planning Policy Framework (the Framework) for major developments of 10 or more dwellings.

6. Policy SS1 of the Council's Core Strategy¹ (CS) focusses the majority of new development into the towns and larger settlements, with a lesser amount into those smaller villages with services. Erpingham is not a defined service village and so for policy purposes is designated as countryside. As such, CS Policy SS2 limits new development here to that requiring a rural location or for specific reasons, including the provision of affordable housing, none of which apply to this proposal for eight market dwellings. The proposal therefore conflicts with CS policies SS1 and SS2 which is of itself harmful given the Framework's objectives for a genuinely plan-led planning system.
7. These policies remain broadly consistent with the Framework in respect of setting an overall strategy for the distribution of sufficient housing and focusing significant amounts in locations which are sustainable, thus limiting the need to travel, offering a choice of transport modes and helping to reduce congestion and emissions so as to improve air quality and public health. In respect of rural housing, I see no fundamental conflict between these policies and paragraph 78 of the Framework. This states that policies should identify opportunities for villages to 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. The growth focussed in the service villages identified in CS Policy SS1 helps support those facilities they contain, which are then available to surrounding settlements.
8. Erpingham has a public house, primary school, church and village hall (with associated sports and play facilities), all of which are within walking distance of the appeal site. Access to the primary school would be improved through the new footpath provided as part of the proposal. Although bus services are also available these are not shown to be at a high level of frequency. Most inhabitants would still be mainly reliant on private car use to access regularly required needs, such as places of employment, secondary schools, health centres and supermarkets.
9. Underpinning the Framework, the Planning Practice Guidance (PPG) notes 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 appropriateness². However, CS policies SS1 and SS2 are firmly supported in this respect by the correlation between the locations for growth and the availability of an appropriate level of supporting services and infrastructure. This part of the PPG does not contradict the broader Framework principles for achieving sustainable development. The proposal would result in significant harm with the introduction of housing where there would be a relatively high reliance on private car use to access a full range of essential services, contrary to these principles.

¹ North Norfolk Local Development Framework Core Strategy incorporating Development Control Policies – September 2008

² Paragraph: 009 Reference ID: 67-009-20190722 Revision date: 22 07 2019

10. Without the support of Policy HO5 as a rural exception site, this proposal conflicts with CS housing policy and comprises a somewhat piecemeal addition to the village. Notwithstanding this, however, I find limited harm from either the density proposed or the mix of housing sizes. Whilst a somewhat piecemeal proposal, the approval of suitable reserved matters would be a means to achieving a design of scheme which respected the character and appearance of this gateway point to the village and comprised a satisfactory feature within the landscape. The loss of a relatively unimportant tree along the roadside would not have been sufficient grounds upon which to resist the proposal, given the potential for further landscaping and planting. Providing a suitable sustainable drainage system seems to be an issue of detail, capable of being resolved, rather than grounds for resisting what is proposed. Had the proposal been considered acceptable in principle then the issue of the harm to the living conditions of occupiers living opposite, due to head light glare from the site exit, could likely have been resolved.
11. However, none of the above factors alter the significant degree of harm I find both from the clear conflict with policy concerning rural housing, the basis for achieving sustainable development in the District, and the comparatively high dependence in this location on private car use to meet regular needs.

Planning Balance and Conclusion

12. Although a quite small scheme, the eight dwellings would provide commensurate social benefits by helping to support the Government's objective of significantly boosting the supply of homes, where its size could make an important contribution to housing requirements through the potential for a relatively quick build-out.
13. There would be modest social and economic benefits in supporting the local bus services, the pub and other village facilities. Paragraph 78 of the Framework lends some support in this regard. This states that to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. There would be some small economic benefits locally from the construction and further servicing of the dwellings, and the future expenditure of occupiers.
14. With regard to environmental benefits these are quite limited, with most of the potential areas for enhancing biodiversity lying outside the red line of the application, thus adding little weight in favour of the proposal. Any net ecological gain, such as through the planting of new native hedgerows and provision of bird boxes, would be limited and offers little positive weight in support of the proposal. The public footpath would slightly improve access to the primary school, although the benefits are small.
15. The New Homes Bonus recognises the efforts of Councils to bring residential development forward. It would not be appropriate to make a decision based on the potential for a development to raise money for a local authority, so these payments add no weight. Furthermore, increased Council tax receipts would be offset by a corresponding increase in demand on local services and similarly do not attract positive weight. Other aspects cited in support of the proposal relate to an absence of harm through policy compliance, rather than considerations that provide positive advantages.

16. The appellant disputes the Council's position over being able to demonstrate a five year supply of housing land. Assuming there was the deficit claimed in this regard then, based on paragraph 11 of the Framework, policies most important for determining the appeal would be out-of-date, engaging the so-called 'tilted balance' set out in part d) ii.
17. However, the adverse impacts found in respect of a conflict with planning policy concerning rural development and the addition of housing in a location where there would be comparatively poor accessibility to services and facilities, other than by private car, would significantly and demonstrably outweigh the small benefits identified, when assessed against the Framework policies as a whole.
18. The proposal would therefore not benefit from the presumption in favour of sustainable development provided by paragraph 11 of 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.
19. The appellant refers to support from a recent decision by the Council to allow three dwellings in Trunch³, a village in this District also deemed countryside in policy terms. The Council point to some differences with Erpingham, including Trunch having a convenience store, post office and more frequent bus service to main centres. However, I am not bound to follow that decision and have carried out the planning balance based on the individual merits of this particular case.
20. On the basis of the reasons given above, and having taken into consideration all other matters raised, I conclude that the appeal should be dismissed.

Jonathan Price

Inspector

³ Council reference PO/18/2135