



Appeal Decision

Site visit made on 7 September 2020

by E Brownless BA (Hons) Solicitor (non-practising)

an Inspector appointed by the Secretary of State

Decision date: Friday, 02 October 2020

Appeal Ref: APP/L2630/W/20/3254846

Land South of the Street, Woodton, Norfolk

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant permission in principle.
 - The appeal is made by Mrs Louise Bond of Bruce Seaman Farms Ltd against the decision of South Norfolk District Council.
 - The application Ref: 2020/0099, dated 20 January 2020, was refused by notice dated 20 February 2020.
 - The development proposed is the erection of up to four dwellings.
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Decision

1. The appeal is allowed and permission in principle is granted for the erection of up to four dwellings in accordance with the terms of the application, Ref: 2020/0099, dated 20 January 2020.

Procedural Matters

2. The appeal application is for permission in principle, as provided for in the Town and Country Planning (Permission in Principle) Order 2017 (the Order). The Planning Practice Guidance (the Guidance) advises that this is an alternative way of obtaining planning permission for housing-led development which separates the consideration of matters of principle from the technical detail. Planning permission does not exist unless both the permission in principle and the technical details are approved. This appeal relates to the first of these two stages.
3. In respect of residential development, an applicant can apply for permission in principle for a range of dwellings by expressing a minimum and maximum number of net dwellings as part of the application. In this instance, permission has been sought for the erection of a maximum of four dwellings. I have taken the minimum to be three dwellings. For the avoidance of doubt, I have determined this appeal on that basis, having regard to the requirements of the above referenced Order and the Guidance.
4. As the appeal does not relate to technical details, I have taken the submitted plans to be illustrative only – showing what the layout of the appeal site might look like if built on.

Main Issues

5. The Guidance advises that the scope of a permission in principle application is limited to location, land use and amount of development. Taking this into account and the Council's reasons for refusing the application, the main issues are:-

- i) the effect of the proposal on the character and appearance of the area; and
- ii) whether the appeal site is a suitable location for residential development having regard to the development plan.

Reasons

Character and appearance

6. The appeal site lies outside of the settlement boundary of Woodton in an area designated as countryside. It has no national or local landscape designation and is not considered a valued landscape under the National Planning Policy Framework (the Framework).
7. The appeal site comprises a large and roughly rectangular area of arable farmland that runs alongside The Street and forms part of a larger field. The gently sloping field is mainly bordered by mature hedgerows with occasional trees, a number of which are present along the open front boundary with the highway. Given these physical characteristics, it is an intrinsically open and undeveloped parcel of land. However, its pleasant, open and rural character is also significantly influenced by extensive residential development along two of its sides and traffic associated with the use of nearby highways. The largely built up character of The Street reduces the quality of the appeal site. Nonetheless, the appeal site makes a moderate contribution to the semi-rural character of the surrounding area.
8. Generally, dwellings along The Street are set within spacious plots and follow a linear pattern of development. The rear boundary of the appeal site would broadly follow the existing boundary to the rear of the neighbouring dwelling. Whilst matters of design and layout would be dealt with at the technical detail stage, the submitted plans demonstrate that up to four dwellings would comfortably fit within the site. This dwellings could be arranged to appear as a continuation of the ribbon pattern of development. Sufficient open garden space together with a large expanse of undeveloped land to the front of the dwellings would retain a feeling of spaciousness along this part of The Street and allow for partial views of fields and countryside that lies beyond the appeal site. The proposed scheme would therefore be capable of corresponding with the neighbouring pattern and quantum of development.
9. It is not commonplace to see dwellings set back from the highway. However, nearby dwellings at The Woodyard Square are sited behind a large area of open space and parking. To my mind, the inclusion of a relatively large unbuilt space to the front of the proposed dwellings would not appear discordant within the streetscene.
10. The appeal scheme would result in a change to the use of the land and to the type and level of activities there. The scheme would introduce buildings, additional boundary treatments, hardstanding areas and domestic outdoor paraphernalia where there is presently none. It would inevitably lead to a significant urbanisation of this part of The Street. However, when viewed from the nearby highways and the wider countryside, the appeal scheme would be seen in the context of the existing built environs and as such would not appear out of keeping with the semi-rural edge of village character.

11. Notwithstanding this, when viewed from neighbouring dwellings, the proposed dwellings would be perceived as a prominent feature that has a significantly greater visual impact than the existing field. The retention of existing trees and hedgerow features together with opportunities for enhancement of the green space to the front of the proposed dwellings and a well-designed proposal, which the Council would retain sufficient control over, offer scope for the impact of the proposal to be reduced over time.
12. Taking everything into account, I find that the proposal would preserve the prevailing pattern and character of built development. Nevertheless, the introduction of a number of dwellings together with access driveway, parking area and domestic paraphernalia would have a significant urbanising effect and would be viewed as an encroachment and an unacceptable intrusion into the countryside when viewed from neighbouring dwellings on the opposite side of The Street.
13. Accordingly, I conclude that there would be some limited harm to the character and appearance of the area. The proposal would fail to accord with Policies DM3.8 and DM4.5 of the South Norfolk Local Plan (2015)(LP) insofar as these policies require development to respect, conserve and where possible, enhance the landscape character of its immediate and wider environment.

Location of development

14. The appeal site is an undeveloped parcel of agricultural land situated adjacent to the settlement boundary of the village. For the purposes of applying planning policy, it is located within the countryside. LP Policy DM1.3 seeks to direct new development to allocated locations or within settlement boundaries. Outside of these locations, development is permitted only where it is in accordance with other development management policies or where a scheme demonstrates overriding benefits in terms of economic, social and environmental dimensions as specified in LP Policy DM1.1. It has not been put to me that any specific development management policies apply to the appeal scheme. It is necessary to consider whether there are any overriding benefits arising from the proposal.
15. Taking the minimum number of units that would be provided, the proposal would provide three new dwellings in a location that the Council consider is acceptable in terms of its connectivity to services and facilities. On the evidence before me, I see no reason to take a different view. Future occupants would be likely to provide support to local services and facilities and contribute towards the vitality and vibrancy of the rural community. These are matters that weigh in favour of the proposal. Whilst the benefits associated with three dwellings would be moderate, I consider that these moderate benefits outweigh the limited environmental impact arising from the harm caused to character and appearance of the area. Whilst the environmental harm would increase on a sliding scale if more dwellings were built, up to the maximum of four dwellings, the benefits of the scheme would likewise increase on a pro rata basis.
16. LP Policy DM1.1 advocates balancing predicted and competing concerns, benefits and impacts. I have had regard to an appeal decision¹ provided by the Council in support of their case. In my view, when balancing the limited degree

¹ APP/L2630/W/18/3215019

of environmental harm arising from this proposal against the social and economic benefits arising from the proposed dwellings, these moderate positive impacts would significantly outweigh and override the limited harm. Given that the appeal scheme would satisfy the requirements of LP Policy DM1.1, it follows that the proposed scheme would also broadly accord with the provisions of LP Policy DM1.3 insofar as this policy requires new development to positively contribute to the sustainable development of South Norfolk.

Planning balance

17. For the reasons given above, I have found the proposal to be in accordance with LP Policy DM1.3. However, the absence of harm is a neutral matter that weighs neither for nor against a proposal.
18. The proposed scheme would cause limited harm to the character and appearance of the area. However, the weight to be attributed to this conflict with the development plan is similarly limited.
19. The provision of additional dwellings, the associated contribution by future occupants of the dwellings towards spending within local services and facilities and their contribution towards vitality and vibrancy of the local community are all benefits that weigh in favour of the proposal. On balance, when taken in combination, the moderate benefits arising from the proposed scheme would outweigh any limited harm identified. Thus, the material considerations in this instance justify a decision otherwise than in accordance with the development plan being taken.

Other Matters

20. There is dispute between the parties as to whether the Council can demonstrate a five-year supply of housing land. However, bearing in mind my findings that a decision otherwise than in accordance with the development plan is justified, I have not had to consider this matter any further. Even if the Council were unable to demonstrate a five-year supply of land for housing, as the appellant alleges, then the weight to be given to the proposal's benefits in respect of the provision of additional dwellings would increase and would add further weight in favour of the proposal.
21. The site is located near to the Grade II listed building of Woodton Lodge (LB). Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) requires the decision maker, in considering whether to grant planning permission for development which affects a listed building or its setting, to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest.
22. In determining the application, the Council concluded that the proposed scheme would preserve the setting of the LB. Based on my site visit, which included a consideration of the separation distance between the site and the LB and the quantum of development proposed, I have no reason to disagree with the view of the Council. This is a matter of neutral consequence in the overall planning balance.
23. I have had considered the various matters raised within the letters of objection, including that of the Parish Council. I note the concerns in relation to traffic generation, drainage and loss of wildlife. However, I am not persuaded on the evidence before me that a scheme of this scale would lead to significant

highway safety, flooding and ecological impacts. These matters would be considered further at the technical details stage.

24. The Council have cited a number of appeal decisions in support of their case. Whilst I have had regard to these, there is little information before me concerning the circumstances of those developments. As such, a comparison is of little relevance and I have therefore considered the appeal scheme on its individual planning merits.

Conclusion

25. For the reasons set out above, I conclude that the appeal is allowed. As stated in the Guidance, it is not possible for conditions to be attached to a grant of permission in principle.

E Brownless

INSPECTOR