
Appeal Decision

Site visit made on 15 December 2020

by Jonathan Price BA(Hons) DMS DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30 December 2020

Appeal Ref: APP/K2610/W/20/3252689

Thickthorn, 12 Church Road, Reedham, Norfolk NR13 3TY

- 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 Mr Anthony Jacobs against the decision of Broadland District Council.
 - The application Ref 20200709, dated 20 March 2020, was refused by notice dated 7 May 2020.
 - The development proposed is permission in principle for the demolition of the existing dwelling and replacement with four detached dwellings with parking and gardens.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The proposal is for permission in principle. Planning Practice Guidance (PPG) advises that this is an alternative way of obtaining planning permission for housing-led development. The permission in principle consent route has two stages: the first stage (or permission in principle stage) establishes whether a site is suitable in-principle and the second (technical details consent stage) is when the detailed development proposals are assessed. This appeal relates to the first of these two stages.
3. The scope of the considerations for permission in principle is limited to location, land use and the amount of development permitted¹. All other matters are considered as part of a subsequent Technical Details Consent application if permission in principle is granted. I have determined the appeal accordingly.

Application for costs

4. An application for costs was made by Mr Anthony Jacobs against Broadland District Council. This application is the subject of a separate Decision.

Main Issue

5. This main issue is whether the site is suitable for residential development, having regard to its location, the proposed land use and the amount of development.

¹ PPG Paragraph: 012 Reference ID: 58-012-20180615

Reasons

Whether the site is suitable for residential development, having regard to its location

6. The appeal relates to a site once occupied by a now demolished bungalow. It comprises a gap within a section of frontage housing running along one side of Church Road, that is otherwise surrounded by farmland. The junction to Mill Road is opposite this stretch of housing and leads into the main part of the riverside village of Reedham.
7. With regard to the suitability of the location for housing, Section 38(6) of the Planning and Compulsory Purchase Act 2004 remains applicable. This requires the appeal to be determined in accordance with the development plan, unless material considerations indicate otherwise. In this case, the development plan comprises the Joint Core Strategy² (JCS) and Development Management Development Plan Document (DPD)³. The policies of the National Planning Policy Framework (the Framework) are also an important material consideration.
8. The site is not a specific allocation in the DPD and lies outside the settlement limits this defines for Reedham. As this proposal is not shown to accord with any other policy in the development plan, the four dwellings quite clearly conflict with DPD Policy GC2 over the location of new development. On the basis of the statutory plan-led system referred to above, I must give the greater weight to the settlement limits defined in the DPD over other definitions of what comprises a built-up area or a settlement. In this regard, the proposal does not enjoy the same development plan policy support as the two recent planning approvals in Reedham cited by the appellant. These were the 24 dwellings allowed on Station Road⁴, which was a DPD allocation, and the two infill dwellings⁵ permitted opposite, where the site fell within the defined settlement limits of the village.
9. The Court of Appeal decision in the Braintree case⁶ was concerned mainly with an interpretation of what comprises isolated homes in the countryside, in respect of applying what is now paragraph 79 of the Framework. This judgement did not go further to rule against the application of restrictive development plan policies where these apply to proposals sited outside of defined settlement boundaries. There is nothing to imply the Council's decision was based on this proposal comprising isolated new homes in the countryside.
10. The Dartford Court of Appeal judgement⁷, as also relied on by the appellant, seems to potentially contradict the case made for this site to be considered as both within the built-up settlement and to comprise previously developed land. The appellant prays in aid of the substantial weight the Framework gives in paragraph 118 c) to the value of using suitable brownfield land within settlements for homes. However, the Framework definition for previously developed land excludes that in built-up areas such as private residential gardens. An acceptance of this site meeting the definition of previously

² Joint Core Strategy for Broadland, Norwich and South Norfolk March 2011 as amended 2014

³ Broadland District Council Development Management Development Plan Document 2015

⁴ Council reference 20151061

⁵ Council reference 20170554

⁶ Braintree DC v SSCLG, Greyread Ltd & Granville Developments Ltd [2018] EWCA Civ 610

⁷ Dartford BC v SSCLG [2017] EWCA Civ 141)

developed land, in the context of the Dartford ruling, rests on it not being within a built-up area. This then indirectly lends some weight to the rationale for the settlement limit defined in the DPD, that embraces the main built-up area of Reedham, whereby the proposal conflicts with development plan policy in being located outside of this.

11. The policies in the DPD, including GC2, nest within a strategic framework provided by the JCS, where Policy 1 seeks to address climate change by linking development growth with proximity to public transport and a reduced need to travel, as does Policy 6 by encouraging walking and cycling. To this end most growth is focussed in the urban areas and main centres, with successively lesser amounts in settlements lower down the defined hierarchy. JCS Policy 15 defines Reedham as a service village, appropriate for small-scale housing development that is commensurate with the level of service provision. The purpose of DPD Policy GC2 to limit the location of new development to within defined settlement limits then helps to focus the additional housing into the parts of the village where the services are mainly located.
12. The Framework makes it clear that existing development plan policies should not be considered out-of-date simply because they were adopted prior to its publication, with due weight given to their degree of consistency. Broadland's development plan remains consistent with the central thrust of the Framework for achieving sustainable development, including by actively managing patterns of growth in support of this. The JCS strategy as a whole follows the steer provided by the Framework through focusing significant development on locations which are or can be made sustainable, thus limiting the need to travel and offering a genuine choice of transport modes. This in turn helps to reduce congestion and emissions and improve air quality and public health.
13. This proposal is not of itself significant development and the Framework also accounts for opportunities to maximise sustainable transport solutions varying between urban and rural areas. However, the development plan strategy does adhere with the Framework in managing patterns of growth on the basis of focussing this within defined settlement limits, so as to better coordinate housing growth and service provision, and it is with this that the appeal proposal is in conflict.
14. The site is some distance beyond the settlement limit, from where the various village services would be a moderate walking distance or short cycle ride away, via unlit country roads without separate footways. There is not the evidence of a frequent bus service. From this location, most regular household needs would not be conveniently accessible other than mainly by private car trips. The proposal would serve to relax the restrained level of housing growth planned for this village, which currently equates with the level of services it provides. This scheme for four dwellings then would add to the amount of private car journeys made to larger centres to access regular requirements such as secondary schools, supermarkets, employment and medical centres.
15. There would be benefits in this proposal helping to boost housing supply through the provision of potentially rapidly deliverable self-build plots, arguably making effective use of previously developed land. However, these benefits would be insufficient to outweigh the harm arising from a proposal that clearly conflicts with a plan-led approach to housing delivery, in a location with relatively poor accessibility to services and facilities other than by means of

private car. For these reasons, I consider the site not to be suitable for the residential development proposed having regard to its location.

Whether the site is suitable for residential development, having regard to the proposed land use and the amount of development.

16. Had the location been found suitable for housing then, given the neighbouring plots are all dwellings, the site would be suitable for this purpose. The four dwellings would be a reasonable number relative to the dimensions of the site. However, these considerations would be insufficient to alter my overriding conclusions over the unsuitability of this location for the residential development proposed.

Conclusion

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

Jonathan Price

Inspector