



## Appeal Decision

Site visit made on 13 January 2021

by **John Morrison BA (Hons) MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 29 January 2021

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**Appeal Ref: APP/K2610/W/20/3258924**

**Land at Dog Lane, Horsford, Norwich NR10 3DH**

- 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 Peter Scott against the decision of Broadland District Council.
  - The application Ref 20200509, dated 12 March 2020, was refused by notice dated 12 June 2020.
  - The development proposed is described as an outline planning application for 3no self-build houses.
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### Decision

1. The appeal is allowed and planning permission is granted for development described as an outline planning application for 3 no self build houses at land at Dog Lane, Horsford, Norwich NR10 3DH in accordance with the terms of the application, Ref 20200509, dated 12 March 2020, subject to the following conditions:
  - 1) Application for approval of the reserved matters shall be made to the local planning authority not later than three years from the date of this permission.
  - 2) The development hereby permitted shall take place not later than two years from the date of approval of the last of the reserved matters to be approved.
  - 3) Details of the access, appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development takes place and the development shall be carried out as approved.
  - 4) The development hereby permitted shall be carried out in accordance with approved plan reference MJSM21022020 DRW A Rev B dated 21 February 2020.
  - 5) Notwithstanding the reserved matters, no development shall take place until a scheme for the management and disposal of surface water has been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

## Main Issues

2. There are two main issues. These are a) the effect of the proposed development on the character and appearance of the area; and b) the principle of the proposed development with specific regard to its location.

## Reasons

### *Character and Appearance*

3. The appeal site is the front section of a flat grass field located to the south side of Dog Lane which itself is a narrow single width road. Trees line the front boundary. The area is relatively built up either side of Dog Lane with a mix of semi detached and detached dwellings of a variety of designs and sizes. Layout of built form in the area is informal and lacks any clear uniformity in plot size or set back from the road frontage. There is some larger commercial development to the south accessed via Howe Way.
4. The appeal scheme seeks outline planning permission with all matters reserved. There is an indicative plan before me, but details of the layout, appearance and scale are not fixed. The appeal site is a roughly rectangular parcel of land to the front of the aforementioned field and given the built up nature of the street scene it strikes me that three dwellings would sit acceptably within it. Whilst outside of the settlement in terms of how the development plan defines it, the land use and built form around it is far from rural in character. The appeal site is an undeveloped gap as the Council describe it, but this does not necessarily mean that development of part of it would lead to harm. Especially since, in my view, it does not contribute to a prevailing open or rural character. The sporadic and scattered development pattern, for me, occurs much further west.
5. With these factors in mind, and considering the outline nature of the proposed development, the appeal scheme would not cause harm to the character and appearance of the area. As such, it would comply with Policies 1 and 2 of the JCS<sup>1</sup> and Policy GC4 of the Local Plan<sup>2</sup>. Amongst other things, these policies seek to make the most efficient use of land, ensure the highest possible standards to design that respects local distinctiveness and avoids any significant detrimental impact, having regard to the character and appearance of the area.

### *The Principle of Development*

6. The appeal site is located outside of a settlement limit and is thus, in planning terms, in the countryside. Policy GC2 of the Local Plan sets out that development should be concentrated inside limits. In addressing development outside settlement limits, it goes on to say that where it does not result in any significant impact it will be permitted where it accords with a specific allocation and/or policies of the development plan.
7. As I have set out in my findings on the first main issue, the appeal scheme would not give rise to harm in respect of the character and appearance of the area. It is also clear from the Council's evidence and in particular the reasons

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<sup>1</sup> Greater Norwich Development Partnership Joint Core Strategy for Broadland, Norwich and South Norfolk 2011, amended 2014

<sup>2</sup> Broadland District Council Development Management DPD 2015

for the refusal of planning permission, that they consider the appeal scheme acceptable on other planning grounds. I can only therefore conclude that the proposed development would not give rise to any significant adverse impacts. I have also concluded that the appeal scheme would comply with policies of the development plan, specifically 1 and 2 of the JCS and GC4 of the Local Plan.

8. Moving on, the appeal site is on the edge of a settlement that has a range of services on which the future occupiers of the proposed development would rely for day to day living. These include a number of shops, a school, a public house and a number of takeaways. These are in the region of 1km from the appeal site which, to my mind, is eminently walkable. Moreover, there is opportunity to do so on segregated footways within a settlement. Occupiers may opt to use their car but there is a genuine alternative on offer to access a range of services via sustainable means.
9. The nearest footway in question is a very short distance from the appeal site's boundary, on the north side of Dog Lane. Whilst there is no footway directly outside the appeal site, one can see the end of the existing footway from its road facing boundary and to get to it would amount to crossing Dog Lane. Dog Lane is used, for its western extent, as something of a shared surface and I observed it being used by walkers on my site visit. Indeed, there is access to a public right of way further west. Dog Lane is a narrow road and unlit but is built up, a dead end at its western edge and is lightly trafficked, being used effectively as access to private properties. The very short crossing to the existing footway would not therefore present any clear problems as far as I can see.
10. With this and the above in mind, I do not see conflict with Policies 1 or 6 of the JCS which, amongst other things, seek to ensure development is located to minimise the need to travel, concentrate it close to essential services and encourage walking and cycling as the primary means of travel. The scheme would also comply with the aims of Policy GC2 which I have explained above. The principle of the proposed development would therefore be acceptable.

### **Other Matters**

11. The Council have explained that they can demonstrate the supply of housing sites as required by the Framework<sup>3</sup>. They have provided their most recent statement on such as it is contained in their latest Annual Monitoring Report. The appellant does not seem to dispute this position. I am not aware from the evidence that this position has been tested. That said, even if the Council were unable to demonstrate the required supply, my conclusions would not change insofar as I have found that the proposed development would give rise to no demonstrable planning harm and would, as a result, comply with the development plan.
12. The appeal scheme is advanced as one to provide self build housing. I am aware of the Council's obligations under the relevant act<sup>4</sup>. They have provided evidence to that effect. Whilst it seems that the Council are delivering against their understanding of what constitutes a planning permission for a self build plot under the act, I have no evidence before me that states these planning permissions have been tied to being self build plots. It seems sufficiently clear

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<sup>3</sup> The National Planning Policy Framework 2019

<sup>4</sup> Self Build and Custom Housing Act 2015

they could be, but not that they would be and thus it is questionable as to whether they truly are. The same could be said of the appeal scheme in that they could be self build plots albeit, again, there is no sufficiently robust mechanism before me to make sure they would be. That said, I have not found that as a scheme for three dwellings on the appeal site, the proposed development would give rise to any planning harms and as such whether they would be for self build plots or not my conclusions would remain the same.

13. The Council explain that the footways that give access to the settlement's services are unlit for some length and that their use would therefore be restricted to the daytime. Which is true. However, this is the main times they would be used to access the services available in any event. In addition, it remains that there is a close by, good quality and usable alternative to the private car, available to future occupiers, that links the appeal site with services that would support their day to day life.

### **Conditions**

14. I have had regard to the conditions suggested by the Council and imposed the following for the reasons I have given. I have made some changes to the Council's wording in the interests of clarity and enforceability.
15. In defining the planning permission, I have imposed the standard conditions pertaining to the timing for the submission and approval of reserved matters and the commencement of development. For clarity I have also identified the approved plan.
16. For the purposes of the functioning of the proposed development and specifically the appellants intention to link the appeal site to the existing footway on the northern side of Dog Lane, a condition has been suggested to require the provision of a new length of footway. I have not imposed this condition. Whilst it would perhaps be of benefit to the existing infrastructure, it does not strike me as being necessary to make the development acceptable given how close the existing footway is to the boundary of the appeal site. Bearing in mind also my findings on the second main issue.
17. I have attached a condition requiring the agreement of a scheme, notwithstanding the matters reserved, for the management and disposal of surface water. In the interests of the proper functioning of the appeal scheme. Since this may require ground investigation or other invasive testing on the site it is prudent that the details for the scheme are agreed prior to the commencement of development on site. This condition has been accepted by the appellant.
18. I have not imposed conditions requiring the layout of the access or provision of visibility splays since access is a reserved matter. In addition, I do not see the need to control the laying out and future use of any parking areas since a) these details are yet to be fixed and it would be in the control of the Council to require them as part of any reserved matters layout; and b) it is unlikely that a driveway or provided off street parking area would be used for anything other than bringing a vehicle clear of the highway given the width of Dog Lane at the front of the appeal site.
19. The Council suggest a condition for works to cease should any contamination be discovered. Whilst I understand the proverbial belt and braces reason

behind such a condition there is nothing that I have seen in the evidence or on site that leads me to conclude that there would be a likelihood any contamination would be found on what is an otherwise undeveloped greenfield site on a road frontage. Indeed, I have not seen any information through the consultation process during the life of the planning application from the Council's Environmental Health department to this effect. I do not therefore feel a condition would be necessary.

**Conclusion**

20. For the reasons I have explained above and subject to the conditions set out, the appeal is allowed, and planning permission is granted.

*John Morrison*

INSPECTOR