

Appeal Decision

Site visit made on 19 January 2021

by David Spencer BA(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 1 February 2021

Appeal Ref: APP/K2610/W/20/3260533

Land at Rectory Road, Coltishall, Norwich NR12 7HF

- 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 P Playford against the decision of Broadland District Council.
 - The application Ref 20200964, dated 7 May 2020, was refused by notice dated 14 August 2020.
 - The development proposed is outline planning permission for nine self-build houses and access road.
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Decision

1. The appeal is dismissed.

Preliminary Matters and Main Issues

2. The application was submitted in outline with all matters reserved. The application was accompanied by an indicative site plan and additional technical information was provided concerning visibility at Rectory Road. Nonetheless, layout and access remain reserved matters. The Local Planning Authority (LPA) determined the proposal on this basis and so shall I.
3. The main issues in this appeal are, the effect of the proposed development on the character and appearance of the area, and, whether it would be an appropriate location having regard to the spatial strategy in the development plan.

Reasons

Character and Appearance

4. The appeal site is part of an arable field on the edge of the village with further fields extending beyond to the east. Residential development is directly to the west of the appeal site. Whilst there are some domestic boundary treatments such as close-board timber fencing on the development at St Johns Close, elsewhere the housing at Rectory Close provides a softer and more verdant edge to the village due to the depth and maturity of the rear gardens. The proximity of housing to the west does not significantly impose itself on the predominantly rural nature of the appeal site.
5. Housing is visible at distance to the south at College Close and Kings Road, but the intervening allotment land provides a noticeable rural transition between this housing and the countryside character of the appeal site. The rural qualities of the allotments and the appeal site beyond can also be appreciated from within Rectory Road adjacent to the proposed access for the appeal

- development. As such the appeal site is not part of the wider pattern of housing development on this edge of the village.
6. Elsewhere to the north of the appeal site are the edge of the buildings at Coltishall Primary School, including an unobtrusive green portacabin style structure and the generally open and verdant school grounds. These are separated from the appeal site by an inconspicuous green wire mesh fence and boundary trees and shrubs. These school grounds, like the allotments to the south, provide an appropriate transition to the adjoining countryside including the appeal field. Overall, there is little adjoining development that the appeal proposal would reasonably relate to.
 7. Whilst layout and appearance remain reserved matters, the appeal site nonetheless projects significantly beyond the eastern edge of the school buildings to the north. Given the scale of development sought, the appeal would result in a pronounced extension of built form into the open countryside. The degree of separation to the houses to the south due to the allotments would not assist in assimilating the proposed development within any wider residential context. It would not comprise a small infill proposal. The proposal would harmfully result in an erosion of the countryside to the east of Coltishall. This harmful impact would be appreciated from the end of St Johns Close near to the school entrance, from within Rectory Road at and around the proposed access point and more widely from within the extensive adjoining allotments.
 8. The proposal would be served by a very extended and narrow access running parallel between the rear of houses to the north on Rectory Close and the allotments to the south. The proposed form and layout of the proposed access road emphasises the limited relationship of the site to the pattern of development in this part of Coltishall. It would introduce an incongruous urbanising feature into the verdant gap in Rectory Road comprising of the existing grassy access track to the field and the allotment gardens, resulting in further harm to the character and appearance of this part of the village.
 9. The appellant invites comparison in layout and depth of access arrangements with nearby Rectory Close, The Grove and St Johns Close. The first two are relatively short cul-de-sacs with dwellings typically arranged around the highway with varying degrees of spaciousness such that there is a sense of neighbourhood to the layout in contrast to somewhat secluded and disconnected backland form of the appeal proposal. St Johns Close serves as an access road to the Primary School and surgery and is of an appreciable highway width and standard, again with housing to the south arranged to generally front onto it. The proposal would not replicate these forms of layout found off Rectory Road. Nor would it be comparable to Causeway Drive in Horstead, which due to the width of that site allows for a more sinuous and spacious access arrangement.
 10. Reference is also made to a proposal at Salhouse approved by the LPA in 2015. That is a different settlement and site context to what is before me. It is also scheme approved some time ago when the LPA could not demonstrate the required housing land supply. As such I give negligible weight to the Salhouse scheme as a basis for setting what would be a harmful pattern of development off Rectory Road.
 11. I therefore conclude that the appeal proposal would result in significant harm to the character and appearance of the area. It would be contrary to Policy 2

of the Broadland, Norwich and South Norfolk Joint Core Strategy 2014 (the JCS) and Policy GC4 of the Broadland Development Management Development Plan Document 2015 (the DMDPD). These policies require, amongst other things, for all development to secure high standards of design, have regard to local context and create a strong sense of place. As such the proposal would also fail to accord with the National Planning Policy Framework (NPPF) which states that good design is fundamental to what the planning and development processes should achieve. This includes, amongst other things, ensuring developments add to overall quality of the area and are sympathetic to local character.

Appropriate Location

12. As set out above the site is characteristically part of the wider countryside adjoining this part of Coltishall. Accordingly, whilst Coltishall is identified in JCS Policy 15 as a service village for a proportionate level of growth, the appeal site is nonetheless outside of the defined settlement boundary for the village and in 'countryside' for the purposes of the development plan. The extant development plan has positively allocated land in Coltishall for housing and also allows for appropriate infilling within settlement boundaries. The development plan strikes an appropriate balance between ensuring there is no blanket restriction on housing growth in the village whilst providing valuable certainty as to where development is anticipated to occur.
13. Policy GC2 of the DMDPD only allows for certain forms of development in the countryside where there is a specific policy in the plan that would permit it. I have not been directed to any policy that self-build housing is one of the exceptions for development in the countryside which Policy GC2 would provide a route to. The appellant submits that Policy GC2 directly enables development proposals to be assessed against Policy GC1. I do not consider, however, that Policy GC1's broad replication of the previous presumption in favour of sustainable development (from the then 2012 NPPF) to be a specific allocation or policy of the plan to automatically flow from Policy GC2 for development proposals in the countryside. To engage the pertinent part of Policy GC1 it must be the case that there are either no policies relevant to the application or the relevant policies are out of date.
14. Whilst there is a need for self-build housing, that does not mean that there are no relevant development plan policies to facilitate self-build or custom-build. From the LPAs evidence, self-build units are coming forward in Broadland which is unsurprising given the otherwise permissive policy framework which allows for a mix of housing consistent with the NPPF paragraph 61. Policy GC2, when considered as part of the Plan as a whole, is consistent with the NPPF in terms of directing most development to sustainable locations within settlement boundaries and carefully managing development in the countryside. There is no persuasive evidence, including the references to the nascent Greater Norwich Local Plan, that the current spatial strategy is failing to meet general housing needs and that there is not a five-year supply of housing land.
15. To conclude, the development plan policy most important on the main issue of appropriate location is DMPD Policy GC2. The appeal proposal would conflict with this policy by virtue of being in the countryside at the edge of this service village. It would not comprise a form of development that exceptionally warrants a countryside location contrary to the certainty intended by the

spatial strategy. DMPD Policy GC2 is up-to-date and of full weight and so the harmful conflict with it would be of significant weight in any planning balance.

Planning Balance and Conclusion

16. It is well established in law, at Section 38(6) of the Act¹ that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. The NPPF is a material consideration, but it does not change the statutory status of the development plan as the starting point for decision-making. Nor does the presumption in favour of sustainable development², which I deal with below.
17. The proposal by virtue of its countryside location and associated environmental harm to the character and appearance of the area would be contrary to JCS Policy 2 and DMDPD Policies GC2 and GC4. These policies are broadly consistent with the NPPF, up-to-date and therefore the harm arising from the conflict with them attracts full and significant weight.
18. In terms of other material considerations, the indicative layout shows 14 off-street parking spaces to reduce wider on-street parking pressures in Rectory Road. The evidence of on-street parking issues in Rectory Road is generally anecdotal and there was no objection to the planning application from the local highway authority. The proposed layout would result in a particularly circuitous pedestrian route to the school, which brings into doubt the effectiveness of this proposed parking. Overall, I give only very limited weight to any wider public benefit from the proposed public parking spaces.
19. The appeal proposal would seek to deliver nine self-build units and has garnered the support from the MP for South Norfolk. The LPA has a statutory responsibility to provide sufficient planning permissions to meet demand for self-build and custom build homes. I share with the LPAs interpretation of what permissions should count for self-build, including smaller sites such as those that would be exempted from the Community Infrastructure Levy (CIL) on the basis that they are "self-build". I also accept the LPAs submission that other smaller sites would meet the definition for 'self-build', including those where the CIL exemption has not been applied for. Accordingly, and on the available evidence before, having regard to the appellants submissions on whether the register accurately captures the full-scale of demand, I find the LPAs data at paragraph 6.9 of its statement of case, to be persuasive in demonstrating that the likely demand for self-build can be met by the consented supply. Whilst the appeal proposal would further boost the supply for self-build and widen choice for present needs, I only ascribe moderate weight to the social and economic benefits of additional self-build plots given the realistic demand for this type of housing based on the LPAs register would be likely met by the otherwise healthy housing land supply situation in Broadland.
20. The appellant submits that the plots would be of exceptional design and architectural innovation in line with NPPF paragraph 79(e). That is a very high bar, generally involving truly outstanding design and implementation at the national level. Whilst self-build can lead to originality and individualism, including energy efficient buildings above current standards, there is very little evidence that the scale, location and practical layout at reserved matters of the

¹ Planning and Compulsory Purchase Act 2004 (as amended)

² Paragraph 12 of the NPPF

appeal site would be other than a modern small estate development. I therefore attach limited weight to the possible future design quality of the proposal. At nine dwellings the appeal proposal would also provide temporary economic benefits during their construction and future occupiers would support local services and businesses. On the latter point, the current development plan already does this through the two housing allocations in the village. Overall, I therefore attach only moderate weight to the economic benefits.

21. Cumulatively, there are some moderate benefits arising from the appeal proposal, which must also be seen in the context that the proposed dwellings would be sustainably located close to services and facilities and that the appeal proposal could provide for net biodiversity gain. However, by virtue of its encroachment into open countryside and prominent, atypically elongated access arrangement there would be significant harm to the character and appearance of the area, contrary to an up-to-date development plan at a location where development is to be carefully managed. Accordingly, the modest benefits arising from the appeal scheme would not amount to a circumstance where I can conclude that material considerations indicate a decision other than in accordance with the development plan.
22. The appellant invites that DMDPD Policy GC1 should be applied in terms of the presumption in favour of sustainable development in terms of meeting a need of present generations for self-build housing. For the reasons set out above the tilted balance at NPPF paragraph 11(d) and Policy GC1 is not engaged. As such the appeal has been determined on a straightforward planning balance in accordance with Section 38(6) of the Act and the up-to-date development plan.
23. I have taken into account all other matters raised but there is nothing that leads me to conclude other than that the appeal be dismissed for the reasons given.

David Spencer

Inspector.