



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: 08th February 2021

Appeal Ref: APP/L2630/W/20/3260880

Land West of Intwood Road, Cringleford, Norwich.

- 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 Ben Kemp against the decision of South Norfolk District Council.
 - The application Ref 2020/0919, dated 26 May 2020, was refused by notice dated 17 July 2020.
 - The development proposed is erection of 1 dwelling with access and layout. All other matters reserved.
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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 except for access and layout. Accordingly, a site plan including the position of the proposed dwelling is provided. The Local Planning Authority (LPA) dealt with the proposal on this basis, and so shall I.
3. The main issues in this appeal are the effect of the proposed dwelling on the character and appearance of the area and whether the appeal site is an appropriate location for the development proposed having regard to the spatial strategy in the development plan.

Reasons

Character and Appearance

4. The character of Intwood Road at the appeal location is generally one of transition extending from the suburban residential character of Cringleford at the junction with Brettingham Avenue to the north and the gently undulating countryside south of Meadow Farm Drive. The parkland setting of Cringleford Hall immediately to the east of Intwood Road, including dense boundary vegetation along the parkland perimeter adjacent to the highway reinforces that the appeal location is at the countryside edge of Cringleford. The handful of detached houses on the western side of Intwood Road, north of the appeal site are generally set back from the highway, within spacious and landscaped plots, thereby assisting the character transition from suburb to countryside, softening the edge of Cringleford immediately north of the appeal site.
5. Whilst a strip of land north of Meadow Farm Drive and No.70 Intwood Road ('The Oaks') appears to be used as amenity garden land, I nonetheless find that No.70 reasonably and clearly defines the built edge of Cringleford,

- consistent with layout of Armitage Close and Quebec Close, a little further to the west. Meadow Farm Drive is not an urban feature being generally bound by an avenue of deciduous trees and hedge planting. There is a clear demarcation of the settlement edge of Cringleford close to the appeal site.
6. The appeal site is south of Meadow Farm Drive, in an area of countryside characterised by a mix of grassland and carr woodland. Whilst housing on slightly higher land in Cringleford is visible at distance, there is very little other development within the visual envelope of the appeal site. When looking south from Meadow Farm Drive, other than the level crossing and glimpses of the former crossing keepers cottage, it is a generally uninterrupted and unspoilt area of countryside. The appeal site is integrally part of a pleasant green gap between the edge of Cringleford and the railway line a short distance to the south. The train line does not represent the "last urban-rural transition point".
 7. An access point onto Intwood Road and a solid timber gate, with solid panelled fencing a short length either side of the gates, have been implemented at the appeal site. These features do not materially alter the rural character of the appeal site as a parcel of grassland which is intrinsically part of a wider undeveloped tract of countryside. The local significance of this green gap, which the appeal site forms a part of, is reflected in the Cringleford Neighbourhood Development Plan 2013-26 (the CNP) which identifies the countryside here as a 'green infrastructure corridor' and part of an environmentally sensitive area (due to its County Wildlife Site (CWS) status). Whilst there would be no significant harm arising from the direct loss of CWS land, the principle of a new dwelling is inimical to the adopted and up-to-date strategy of the CNP to safeguard the relatively underdeveloped approach to the wider Norwich urban conurbation at this location.
 8. The proposed dwelling would appear as an incongruous encroachment of built development into the countryside. Retaining existing vegetation, and any proposed landscaping at a detailed stage, would have limited effect in mitigating the prominent and somewhat blunt intrusion of uncharacteristic residential development into what is a verdant and generally unspoilt countryside location. The proposed dwelling would harmfully erode the narrow countryside gap between the edge of Cringleford and the railway line. Due to the degree of separation from the clearly defined settlement edge in this part of Cringleford, the proposed dwelling would not be a logical or harmonious extension of the pattern of detached dwellings to the north on Intwood Road.
 9. 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 Policies 1 and 2 of the Broadland, Norwich and South Norfolk Joint Core Strategy 2014 (the JCS) and Policies DM1.4 and DM3.8 of the South Norfolk Local Plan Development Management Policies Document 2015 (the DMPD). These policies require, amongst other things, that development proposals appropriately respond to the local context including landscaping setting and the transition between rural and urban areas, protect and enhance the environment and overall represent high quality design. The proposal would also conflict with paragraphs 124, 127 and 170 of the National Planning Policy Framework (NPPF) which emphasise the importance of good design, including being sympathetic to local character and maintaining a strong sense of place, and recognising the intrinsic character and beauty of the countryside.

10. The LPAs decision notice and assessment considers the proposal to be contrary to Policy HOU.2 of the CNP which deals with housing layout. I consider the relevance of the policy to be somewhat tenuous in relation to this main issue and so I am unable to conclude that the appeal proposal would be contrary this development plan policy. The CNP as a document is before me and it is clear through Strategic Objective 6.2 and the Policies Map that the appeal site is a location of local sensitivity in terms of character and appearance.

Appropriate location

11. The development plan for the appeal location comprises of both the strategic JCS and South Norfolk DMPD and at the local level the CNP. Collectively, these plans seek to deliver a spatial strategy that focuses the delivery of housing growth at sustainable locations whilst protecting the countryside character of the District. Cringleford is identified as a location for major scale growth, which is being addressed through the positive allocation of land to the west of the settlement, as reflected in the CNP. None of these plans have identified the appeal site as being an appropriate location, in principle, for residential development. The site is outside the settlement boundary for Cringleford and for the purposes of the development plan it is in the countryside. As set out above, this is an appropriate spatial treatment given the character and appearance of the appeal location.
12. DMPD Policy DM1.3 allows for development in the countryside where it comprises of a type of development that, exceptionally, requires a countryside location. This does not include general market housing or self-build housing. Policy DM1.3 also allows for development in the countryside where there would be demonstrable overriding benefits in terms of the social, economic and environmental dimensions of sustainability. Policy DM1.3 does not provide a blanket restriction on development in the countryside. On the other hand, the NPPF does not eschew the recognised development management mechanism of settlement boundaries to provide valuable certainty in a plan-led system.
13. I am also persuaded by the evidence that there is a five-year deliverable supply of housing land across the Greater Norwich Area, demonstrating that the spatial strategy, including Policy DM1.3 is meeting identified development needs. Whilst there may be some impact from the Covid-19 pandemic on housing delivery it is far from certain whether this has significantly dented what appears to be reasonably buoyant levels of land supply. As such I find Policy DM1.3 to be up to date (against footnote 7 of NPPF paragraph 11) in terms of ensuring a deliverable supply of housing land.
14. In terms of whether there would be overriding benefits to satisfy part 2(d) of Policy DM1.3, the key operative word "overriding" should be read in its ordinary terms as meaning it requires cumulative benefits need to be sufficient so as to take priority over a clearly established spatial strategy. In my mind that is a reasonably high bar but one which is appropriate in a plan-led system and consistent with the NPPF.
15. The appeal site fronts onto Intwood Road where the speed limit reduces from the national limit (60mph) to 30mph as it extends north into Cringleford. There is no footway, lighting or consistently wide verge for safe stepping-off along a reasonable length of Intwood Road until the junction to Brettingham Avenue. This includes a sharp bend close to the Brettingham Avenue junction, where visibility is compromised by adjacent dense boundary vegetation of

Cringleford Hall. The absence of a footway continues north of Brettingham Avenue as far as the Keswick Road crossroads for those wishing to walk to the nearest shop and facilities. Overall, whilst there may not be any accident records, Intwood Road is an uncomfortable highway experience for pedestrians from the appeal site which would deter walking, particularly after dark and in inclement weather, including to nearby bus stops on Brettingham Avenue and facilities further afield in Cringleford.

16. Cringleford is a sizeable community, having a good range of services and facilities and onward frequent bus connections into Norwich. Whilst I find the pedestrian access to be weak due to the lack of a safe footway on Intwood Road, the appeal site is within easy cycling distance of services and facilities. There would be only a moderate degree of reliance of the use of the private car. However, in locational terms, whilst the appeal site would not be isolated, the proposal would not amount to overriding benefits in either environmental or social terms given its peripheral countryside setting and limited pedestrian connections. References are made to biodiversity gains but in balancing the direct loss of CWS land with the mitigation measures outlined by the appellant, including those that could be secured by condition, the net environmental benefits would be no more than modest.
17. There would be a social benefit from adding to the supply of housing, consistent with the material consideration of the NPPF at paragraph 73 to boost the supply of housing more generally. The appellant invites greater weight, in part because the Covid-19 pandemic may be affecting housing supply but at one dwelling, the social benefit from additional housing remains limited in any event. There would be some moderate economic benefits from the construction of the dwelling and expenditure in the local economy. The scale of the benefits would be limited to just one dwelling and again would not represent overriding economic benefits to justify a dwelling in a countryside location.
18. Overall, I conclude that the appeal proposal would not represent an appropriate location for development having regard to the spatial strategy of the development plan. It has not been demonstrated that there would be the overriding benefits in terms of social, environmental and economic dimensions to justify a new dwelling where an up-to-date development plan seeks to carefully manage development in the countryside. In terms of the weight to be given to DMPD Policy DM1.3, the appellant notes that it is more than 5 years old and that work is now underway on preparing a new Greater Norwich Local Plan. Nonetheless, Policy DM1.3 was examined and found sound in 2015 within the general context of the NPPF including the need to boost and diversify the supply of housing land. Weight to policies is a matter judgement, having regard to, amongst other things, NPPF paragraph 213. Whilst the development plan predates the more overt approach in NPPF paragraphs 68 and 69 towards smaller sites there is no persuasive evidence, given the healthy land supply situation, that sustainable smaller sites are being inhibited by the development plan. I therefore give substantial weight to DMPD Policy DM1.3 and the harm arising from the conflict with it.

Other Matters

19. The appellant has referenced a recent appeal decision in South Norfolk at Morley St Botolph [APP/L2630/W/19/3229614]. I have limited evidence before

me about the particular circumstances in that case or the site context but note in contrast to this appeal that the decision maker concluded that there was no harm to character and appearance in that case. I note that the Morley St Botolph case emphasises the relationship of DMPD Policy DM1.3 to DMPD Policy DM1.1 (presumption in favour of sustainable development) in terms of overriding benefits. That is perhaps unsurprising given that no site-specific harm was found. This limits the applicability of that decision to this appeal.

Conclusion

20. The appeal proposal would result in significant harm to the character and appearance of the area. It would also conflict with the up-to-date spatial strategy in the development plan by virtue of not demonstrating overriding sustainability benefits to justify a countryside location. Notwithstanding some sustainability credentials to its location and some limited other benefits, due to the harms identified, the appeal proposal would not amount to a form of sustainable development for which there would be a presumption in favour of. The proposal would be contrary to the planning policies most important for determining the proposal. These policies are up to date and the conflict with them would result in substantial harm in a plan-led system. The tilted balance at paragraph 11 of the NPPF is not engaged. Applying Section 38(6) of the Act¹, there are no other material considerations that indicate a decision other than in accordance with the development plan. Consequently, the appeal should not succeed.
21. I have had regard to all other matters raised, but there is nothing that leads me to conclude other than that the appeal should be dismissed for the reasons given.

David Spencer

Inspector.

¹ Planning & Compulsory Purchase Act 2004 (as amended)