

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: 9th February 2021

Appeal Ref: APP/L2630/W/20/3260292

Land East of Green Fall, Poringland NR14 7SP

- 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 H R Garden against the decision of South Norfolk Council.
 - The application Ref 2019/2542, dated 25 November 2019, was refused by notice dated 1 April 2020.
 - The development proposed is proposed dwelling and garage with access.
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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. The Local Planning Authority (LPA) dealt with the proposal on that 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 the site represents a suitable location for a dwelling having regard to the spatial strategy for the area.

Reasons

Character and Appearance

4. The appeal site is part of a larger, gently undulating field located at the eastern edge of the large village of Poringland. To the north and east of the field are mature trees and vegetation providing a semi-parkland setting and feel to this part of the countryside. There is only a faint perception of development through these trees, reinforcing the prevailing rural character at this edge of Poringland. To the south of the appeal site, the host field extends down towards a shallow valley over which there is a further patchwork of fields and hedgerows stretching beyond to B1332 road. Whilst this is not a public view, it nonetheless emphasises that the appeal site is part of the pleasant countryside east of Poringland.
5. There is housing immediately to the west of the appeal site at the short cul-de-sac at Green Fall, through which access to the appeal site would be achieved, and in more linear form along Rectory Lane. The properties on Rectory Lane have large rear gardens such that housing here is not prominent when at the appeal site. The established verdant gardens on Rectory Lane, provide an appropriate transition between the housing and the rural qualities of the appeal

- field. The proposed dwelling would have a very poor relationship to the housing on Rectory Lane.
6. In respect of Green Fall, the properties at Nos. 8 and 11 Green Fall would be closest to the appeal site. The layout of these dwellings, together with the turning head of the cul-de-sac, provides a clear demarcation of the settlement edge at the end of Green Fall. The appeal site would be separated from these dwellings by an area of intervening garden and amenity land to the east of these dwellings. The degree of separation would be reinforced by the depth of the proposed access from Green Fall. Consequently, the appeal proposal would have a weak and unsatisfactorily detached relationship to the established pattern of development on Green Fall. It would represent a bold intrusion into unspoilt countryside, harmfully eroding and fragmenting both the clear settlement edge and the verdant qualities of the rural landscape.
 7. In terms of the landscape quality, the host field is located within "Poringland Settled Plateau Farmland" (Character Area D2) as set out in the South Norfolk Landscape Assessment (SNLA). This landscape provides a rural setting for the village and includes key characteristics such as large farmland fields and, particularly around the settlement, woodland blocks. The appeal site is characteristic of the host landscape, including a trace of a parkland quality created by the woodland belts to the north and east and the undulating nature of the wider field rolling towards the valley to the south.
 8. I recognise that the appeal proposal is modestly scaled at one dwelling and matters of layout, appearance and landscaping would be reserved for consideration at a later stage. However, the tree belts to the north and east would not provide a sufficient landscape framework to assimilate the proposed development within the wider landscape. There would be a particularly raw edge along the southern and immediately eastern boundaries of the site for an extensive period of time until any meaningful landscaping took hold. The appeal proposal would be a stark incursion of development into one corner of a much larger, open field. Whilst the appeal proposal would maintain separation between Poringland and any outlying settlement it would not be well-integrated into the landscape. Nor would it maintain the quality of transition between the settled and agricultural landscape as per the development considerations at paragraph 13.10 of the SNLA. The intrusive nature of the proposal and poor relationship to pattern of development means that impact on the characteristics of the host landscape can reasonably be described as significantly adverse.
 9. I therefore conclude that the appeal proposal would result in significant harm to the character and appearance of the area. It would be poorly related to the existing pattern of development and result in harmful encroachment into what is an area of characteristic host landscape which provides an attractive setting to this edge of the village. The proposal would therefore be contrary to Policies 1 and 2 of Broadland, Norwich and South Norfolk Joint Core Strategy (2014) and Policies DM1.4, DM3.8 and DM4.5 of the South Norfolk Local Plan Development Management Policies Document 2015 (the DMPD). These policies require, amongst other things, for all developments to appropriately respond to local context, take all reasonable opportunities to make a positive contribution to local character, and respect, conserve and where possible, enhance the landscape character of its immediate and wider environment. The proposal would also fail to accord with the National Planning Policy Framework (NPPF) at paragraphs 124 and 127 which seek to secure a high standard of design which

means, amongst other things, being sympathetic to local character and maintaining a strong sense of place. The proposal would also conflict with NPPF paragraph 170 which requires planning decisions to contribute to and enhance the local environment by recognising the intrinsic character and beauty of the countryside.

Suitable Location

10. The spatial strategy in the development plan is articulated at DMPD Policy DM1.3 in terms of the approach to sustainably locating and delivering growth in South Norfolk whilst simultaneously protecting the distinctive countryside of what is a predominantly rural district. Whilst Poringland is identified as a Key Service Centre, the appeal site itself is not allocated for development and is identified outside the settlement boundary for Poringland as 'countryside'. Given my findings on the first main issue, this is a reasonable approach, providing valuable plan-led certainty. Policy DM1.3 allows at parts 2(c) and (d) for development in the countryside either on an exceptional basis in line with a relevant policy in the plan or where a scheme can demonstrate overriding benefits in terms of economic, social and environment dimensions of sustainability. As such Policy DM1.3 does not result in a blanket restriction on development in the countryside.
11. The appeal site is at the edge of Poringland, a large service centre village. It would not be a remote dwelling. Future occupiers of the proposed dwelling would be able to readily walk and cycle to a good range of services and facilities. These would be significant environmental and social benefits. The proposal would also provide economic benefits, temporarily during construction as well as future occupants' expenditure in the local economy. At a single dwelling, however, these benefits would be limited.
12. The appeal proposal is described as contributing towards the need for plots for self-build and custom build homes in South Norfolk. The degree to which the LPA is meeting its responsibility under the Self-build and Custom Housebuilding Act 2015 (as amended by the Housing and Planning Act 2016) to give suitable development permission for serviced plots to meet demand is disputed. I am directed by the appellant to various appeal decisions¹ elsewhere in the country on approaches to methodology on what counts as a suitable permission for self-build and the degree of onus on the LPA to demonstrate how it is meeting need.
13. From these appeal decisions I am able to surmise some of the evidence that was before my colleagues in those cases. However, having regard to the submissions of the LPA here, I am satisfied that it is granting suitable permissions to facilitate a degree of self-build in South Norfolk within the existing policy framework of the development plan. This would include smaller permissions within the settlement boundaries across the district, including outline schemes with flexibility on design and appearance, which could be developed by those on the self-build register. Therefore, and notwithstanding the findings of the Woodville decision, I share the assessment of my colleague in Droitwich Spa (his paragraph 30) that suitable permissions for self-build should not be onerously counted as those subject to an express condition or planning obligation.

¹ APP/G2435/W/18/3214451; APP/W0530/W/19/3230103; and APP/H1840/W/19/3241879

14. Nonetheless, from everything I have read it is difficult to ascertain what the current demand for self-build is and the extent to which any suitable permissions are providing opportunities to meet that demand. As such there may well be a gap which the appeal proposal would make a positive contribution towards. Furthermore, even if there was not a gap, the appeal proposal would widen the choice of plots for those contemplating self-build. I therefore find the provision of a single plot for self-build to represent a moderate social benefit.
15. I appreciate in the other appeal cases provided, my colleagues attributed significantly greater weight to the social benefit of self-build housing, however that was in the context of quantifiable or agreed shortfalls in self-build provision. It was also in the context of appreciably larger schemes (30, 9 and 9 dwellings respectively) and in most cases where a planning obligation would secure the self-build implementation of the housing. This is materially different to the circumstances before me.
16. The dwelling would also provide a wider social benefit in terms of adding to supply of housing within the overarching objective of the NPPF to boost overall housing delivery. I am satisfied, however, that there is a required minimum five-year supply of deliverable housing land. Accordingly, I find the social benefit of a single additional dwelling to be modest.
17. I therefore conclude, that cumulatively, whilst the appeal proposal would give rise to a number of benefits of variable significance, including the appreciable weight to be given to its proximity to services and facilities, these would not amount to the overriding benefits necessary to demonstrate that development should take place in the countryside. Consequently, the appeal proposal would not comply with part 2d) of DMPD Policy DM1.3 and so would be contrary to the spatial strategy of the development plan.

Balance and Conclusion

18. The appellant submits that Policy DM1.3 is not consistent with the NPPF in that it sets too high a bar for anyone seeking to build outside of settlement boundaries, including new self-build homes. Accordingly, Policy DM1.3 should be considered out-of-date and thus the tilted balance at paragraph 11 of the NPPF, and DMPD Policy DM1.1, should be engaged.
19. DMPD Policy DM1.3 does set a high bar in its use of the word “overriding”. However, where there is a permissive policy framework that allows for new housing development within settlement boundaries (including self-build), on allocated sites and through a number of exceptions in the countryside, it is perhaps unsurprising that any further development in the countryside would need to be particularly justified. Policy DM1.3 was examined and found sound against the general principles of the 2012 NPPF, which broadly remain extant in the 2019 NPPF. Accordingly, I find DMPD Policy DM1.3 to be consistent with national policy.
20. The significant environmental harm to the character and appearance of the area would be contrary to development plan policies that are also consistent with the NPPF. There is also a five-year supply of deliverable housing land. Consequently, the policies which are most important for determining the application are up-to-date and so the tilted balance at paragraph 11 of the NPPF is not engaged. Whilst the scheme would result in some benefits in terms

of its sustainable proximity to services and the ability to deliver an additional self-build dwelling, these would not constitute overriding benefits that outweigh the significant harms identified. Nor do they amount to material considerations that indicate a decision other than in accordance with the development plan. Consequently, the appeal proposal should not succeed.

21. I have taken into account all other matters raised, but there is nothing that leads me other to conclude than that the appeal should be dismissed for the reasons given.

David Spencer

Inspector.