
Appeal Decision

Site visit made on 17 November 2020

by R Norman BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 09 February 2021

Appeal Ref: APP/U2615/W/20/3253503

Land adjacent to Three Ways, Mill Road, Burgh Castle NR31 9QS

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Miss Teresa Manguzi against the decision of Great Yarmouth Borough Council.
 - The application Ref 06/20/0041/F, dated 18 February 2020, was refused by notice dated 18 May 2020.
 - The development proposed is a self-build 5 bedroomed detached house with garaging.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The description of development in the heading above has been taken from the planning application form. However, in Part E of the appeal form it is stated that the description of development has not changed but, nevertheless, a different wording has been entered. Neither of the main parties has provided written confirmation that a revised description of development has been agreed. Accordingly, I have used the one given on the original application.

Main Issues

3. The main issue is whether the development would be in a location suitable for new housing and provide adequate access to services and facilities.

Reasons

Suitable Location

4. The appeal site is currently located adjacent to a residential property, Three Ways. It is bounded to the front by gates and fencing and access is onto Mill Road. Another dwelling is located to the south and there are paddocks and stables to the north. The proposed development would provide a self-build 5-bedroomed detached dwelling and garaging.
5. The surrounding area is rural in nature. There are fields and paddocks surrounding the appeal site and it sits within a small cluster of sporadic and loose knit properties. In the wider area are holiday caravan parks. However, despite the presence of other properties, the appeal site is in a location that is detached from the main settlement of Burgh Castle and remote from services and facilities.

6. Saved Policy HOU10 of the Great Yarmouth Borough Wide Local Plan (2001 – Saved 2016) (Local Plan) lists the types of new dwellings that would be permitted in a countryside location, namely those which are essential for an agricultural worker where there is no alternative accommodation available, where it has been supported and justified by an independent appraiser and the operation is capable of being sustained, and where it is close to existing groups of buildings on the site and no larger than 120 square metres, amongst other things.
7. Similarly, Policy CS2 of the Great Yarmouth Local Plan: Core Strategy 2013 – 2030 (2015) (Core Strategy) requires new residential development to be distributed in accordance with the settlement hierarchy, and in the open countryside to restrict this to conversions, replacements or schemes that help meet rural needs.
8. The appeal site is detached from the village of Burgh Castle and other nearby settlements and as such, for the purposes of the above policies, it is within the countryside. It has not been demonstrated to me that a new dwelling in this location is justified as being essential to meet the criteria in Policies HOU10 and CS2.
9. The appeal site is not within an isolated location for the purposes of paragraph 79 of the National Planning Policy Framework (2019) (the Framework), following the Braintree judgement¹, as it is located within a small, loose knit group of properties and buildings. Nevertheless, for the above reasons, whilst the site is not physically isolated, the cluster of properties is detached and remote from the defined settlement of Burgh Castle and the few services that this provides.
10. Mill Road is a relatively straight road in which runs to the front of the appeal site. Although there is a reasonably wide grass verge, there are no footpaths along this stretch of the road and no street lighting. The location of the appeal site would not provide safe pedestrian access to services and facilities and whilst there is a bus stop nearby and visibility is good at this point, it is still some distance from facilities and would be likely to encourage the use of private vehicles.
11. The proposed dwelling would be a self-build property and I have been provided with a copy of the Self-Build Register of Interest form which confirms that the Appellant is on the self-build register with the Council. This also highlights the ability to commence the development within 6 months of permission being granted. The form indicates the preference for a single plot within Burgh Castle but does not specify this particular plot. The appeal site is separate from the main settlement of Burgh Castle and the services and facilities in the surrounding area, including Great Yarmouth, and the benefits of a self-build property do not override the locational concerns.
12. I note the Appellant's points in relation to the use of electric cars and the property being designed to provide for working from home. However, whilst these are positive, they could not be reasonably secured in the long term and therefore are not sufficient to override the above harm in terms of the site's location. I also accept that the Highways Team have not raised objections on the grounds of highway safety.

¹ Braintree D.C v Secretary of State for Communities and Local Government

13. Consequently, for the above reasons I find that the appeal site would not be in a suitable location for new housing. It would therefore fail to comply with Policies HOU10 of the Local Plan and CS1 and CS2 of the Core Strategy. Collectively, these seek to ensure that new development is in a location that complements the character and supports the function of individual settlements, provides easy access to jobs, shops and community facilities by walking, cycling and public transport and restrict development in the countryside to meet certain needs, amongst other things.

Other Matters

14. The Appellant has stated that the Council cannot demonstrate a five-year supply of deliverable housing land and, in their statement of case, the Council did not dispute this, confirming that they had a 3.42 year supply. However, the Council have since provided additional information comprising the recently published Five-Year Housing Land Supply Position Statement as of 1 April 2020 showing a 6.51 year supply of deliverable housing land. The Appellant has stated that this has not been through an examination process and that limited weight should be given to it.
15. Notwithstanding these considerations, even if I were to conclude that the Council does not have a five year supply of housing land, the provision of one single dwelling would make a very limited contribution to the supply of housing and therefore I find that this would not significantly and demonstrably outweigh the harms identified, were the tilted balance in paragraph 11 d) of the Framework to be applied. Whilst there may be delays as a result of the pandemic and associated impacts on building supplies, I have little evidence to suggest that this will be a long-term impact or significantly affect the provision of housing land in the Borough.
16. The Appellant identifies that the proposed dwelling would support the local economy by providing work to local builders and that it is deliverable almost immediately. However, whilst the provision of one dwelling, albeit a large property, would contribute to the local economy, this would be very limited.
17. The Appellant has highlighted a number of nearby permissions which include one at Folly Court Cottages which was for a self-build detached dwelling and garage also. A number of court judgements have also been identified in relation to consistency in decision making and I have considered all of these. However, the Council state that these permissions are materially different from the appeal proposal. I have had regard to the decision notices and reports for these however I have not been provided with full details in relation to these cases to enable me to conclude that they are sufficiently comparable to the appeal proposal before me and accordingly I find that they do not set a precedent for this development.

Planning Balance

18. The Council have raised no concerns with regard to the design of the proposed dwelling or layout of the site itself and I have no reason to disagree with this view. The proposed dwelling would be a self-build property and would provide a contribution to the local economy, albeit limited. I note the provision for home working and use of electric vehicles also. However, whilst these represent benefits arising from the proposed development, when taken collectively I do

not find them to be sufficient to outweigh the unsuitability of the location for new housing and the resulting policy conflict in this instance.

Conclusion

19. For the reasons given above, and having had regard to all matters raised, I conclude that the appeal should be dismissed.

R Norman

INSPECTOR