
Appeal Decision

Site visit made on 12 January 2021

by David Spencer BA(Hons) DipTP MRTPI

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

Decision date: 18 February 2021

Appeal Ref: APP/L2630/W/20/3258218

The Old Hall, Watton Road, Colney NR4 7TX

- 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 Mr Nigel Willgrass against the decision of South Norfolk District Council.
 - The application Ref 2020/0889, dated 21 May 2020, was refused by notice dated 17 July 2020.
 - The development proposed is a detached self-build house.
-

Decision

1. The appeal is dismissed.

Procedural Matters and Main Issue

2. As part of the appeal proposal the appellant submitted a Unilateral Undertaking (UU) providing a planning obligation under the auspices of Section 106 of the Town and Country Planning Act 1990 that would secure the dwelling as a self-build property. The Local Planning Authority (LPA) has been given opportunity to comment on the UU. I have taken the UU into account in my decision below.
3. The main issue in the appeal is whether the appeal site would represent an appropriate location for a self-build dwelling having regard to the spatial strategy for the area.

Reasons

4. The appeal site is located on the periphery of Colney, a small settlement generally positioned between the B1108 Watton Road and the River Yare, a short distance to the west of Norwich. Whilst the character of the area is evolving to the south of the B1108 with the Norfolk & Norwich Hospital and the Norwich Research Park, the prevailing character of Colney itself remains predominantly one of a small rural settlement on the edge of the wider Yare flood plain. It has not been fully subsumed within the urban fabric of Norwich.
5. Accordingly, the development plan identifies the appeal site as countryside for the purposes of the spatial strategy for the area. Despite its proximity to Norwich, the development plan ascribes no specific role to Colney in meeting housing need. It is not an identified settlement for infill housing development.
6. Policy DM1.3 of the South Norfolk Local Plan Development Management Policies Development Plan Document 2015 (the DMPDPD) seeks to implement at a local level the spatial strategy of the Joint Core Strategy for Broadland, Norwich and

South Norfolk. As such it seeks to secure sustainably located development in accordance with a defined settlement hierarchy whilst carefully managing development in the countryside.

7. In terms of the effectiveness of the spatial strategy, including DMPDPD Policy DM1.3, it is disputed as to whether there is a five-year supply of deliverable housing land. As a starting point, the evidence submitted by the LPA including the reference to a very recent appeal in Brundall¹ indicates that across the Greater Norwich Area that there is the required deliverable housing land supply. The appellant invites broad discounts in delivery in relation to outline permissions and allocations to arrive at a three-year supply. However, there is no persuasive evidence that such a markdown would be justified or that the approach to assessing delivery in the Greater Norwich Area is contrary to the relevant advice in the Planning Practice Guidance².
8. The appellant also submits that a 35% discount should be applied on completions over the next 12 months due to the impact on construction from Covid-19. Other than a broad comparison to the after-effects of the 2008 banking crisis on the housing market, there appears to be little basis for such a significant deduction. There is no persuasive evidence that housing delivery has significantly stalled across the Greater Norwich Area given that construction work and house sales have generally been permissible during large parts of the pandemic. I therefore make no reduction to projected housing completions in the short term.
9. Accordingly, on the balance of the evidence before me, I therefore find that there is a deliverable housing land supply in excess of five years. In broad terms I also find Policy DM1.3 to be consistent with the National Planning Policy Framework 2019 (the NPPF). Consequently, I find DMPDPD Policy DM1.3, as the most important policy for determining the proposal, to be up-to-date and to be afforded full weight in the decision-making process.
10. Part 2 of DMPDPD Policy DM1.3 does not prevent development in the countryside provided there are overriding benefits in terms of economic, social and environment dimensions. Whilst it provides a high bar it does not represent a 'blanket policy' approach restricting housing development in some settlements. The supporting text at paragraph 1.5 of the DMPDPD, whilst not a closed list, clearly indicates that in the countryside, including smaller rural communities and outlying areas of settlements that do not have a defined development boundary (such as Colney), part 2 of DM1.3 would support proposals that would genuinely boost the economic and social sustainability of a rural community. I do, however, share the assessment of my colleague in the recent Long Stratton appeal, referred to by the LPA, that "overriding benefits" for the purposes of Part 2 of DM1.3 should be on a par with being "exceptional" (i.e. being much more or greater than usual).
11. It is common ground that there would be no harm to the setting of The Old Hall, a Grade II listed building. From my observations on site, noting the scale and position of the intervening detached garage building, I share this assessment. The avoidance of harm to the heritage significance of The Old Hall, being a statutory requirement, would be neutral in any planning balance.

¹ APP/K2610/W/19/3239986

² PPG Paragraph: 007 Reference ID: 68-007-20190722

12. The appeal proposal would contribute to boosting the supply of housing. As set out above, there is a deliverable supply of housing land to meet housing needs in the area. Consequently, the social benefit of the appeal proposal at just 1 dwelling would be very modest. Similarly, in social terms, the appeal scheme would not generate the “overriding” community benefits typical of the schemes envisaged for part 2 of DM1.3 at paragraph 1.5 of the DMPDPD. Moreover, there is very little social or community infrastructure in Colney that would benefit from an additional household in the locality.
13. The appeal proposal would provide a self-build dwelling, the occupation of which be secured through the submitted UU. Given the UU would secure a type of housing for which there is a legal duty on LPAs to plan for under the Self-Build and Custom Housebuilding Act 2015, I find the obligation contained in the UU would meet the tests under Regulation 122(2) of the Community Infrastructure Levy Regulations 2010 and paragraph 56 of the NPPF. As such I have taken the obligation into account.
14. There is no evidence before me in this appeal that South Norfolk are not granting sufficient planning permissions to meet need for self-build accommodation in line with the Act and paragraph 61 of the NPPF. The reasonably healthy land supply position will inevitably include permissions that qualify against the definition of ‘self-build’ (including those that are being exempted from Community Infrastructure Levy). Accordingly, I find any benefit from an additional self-build dwelling to be only limited. The construction of a dwelling would provide temporary employment and the purchase of materials but again at a single dwelling the scale of economic benefit would be no more than moderate.
15. The appeal proposal would involve housing delivery on a small previously developed site that could be built-out relatively quickly. There is a reasonably loose pattern of development along the southern edge of Yare flood plain in this part of Colney which provides a clear rural character. This can be discerned from within Watton Road and from the footpaths that cross the Yare valley to nearby Bowthorpe. Whilst the appeal site accommodates a hard-surfaced tennis court with 4 floodlights and enclosing wire mesh fencing and an outdoor swimming pool with two timber outbuildings, the appeal site is nonetheless a predominantly open and verdant site contributing to the rural character of this part of Colney. Whilst the appeal proposal is designed to appear as a traditional ‘barn conversion’, complementing the design of the adjacent Old Hall Mews conversion, it would nonetheless consolidate domestic development on this rural fringe. Accordingly, and having regard to paragraph 68 of the NPPF, the relative sustainability of the location and the fact that the LPA can demonstrate a deliverable supply of housing land, I give only limited weight to the environmental benefit of the previously-developed status of the site.
16. Due to nearby housing, the appeal proposal would not be isolated in terms of NPPF paragraph 79. There are, however, very few facilities in Colney and whilst connectivity by foot and cycle to the Research Park, Hospital and facilities within the western edge of Norwich, including within the University of East Anglia, is of reasonable quality it would generally involve appreciable distances unlikely to deter regular use of the private car. Nearby bus stops on the B1108 are rudimentary and also unlikely to be an attractive alternative to the car. Accordingly, I do not find the appeal location to be either very sustainable or so

well-connected to facilities to present overriding social or environmental benefits in an otherwise countryside location.

17. In conclusion, there are some moderate benefits arising from the construction of a self-build dwelling but collectively these do not amount to the overriding benefits or an exceptional case required to be in accordance with the development plan. Therefore, the proposal would be contrary to DMPDPD Policy DM1.3 which seeks to carefully manage new development in countryside locations in accordance with the over-arching spatial strategies for both the Greater Norwich and South Norfolk areas. Furthermore, because Policy DM1.3 is up-to-date and there is a five-year supply of deliverable housing land, the tilted balance at NPPF paragraph 11 is not engaged.
18. A similar proposal was recently considered on appeal in early 2020 (decision reference APP/L2630/W/19/3241292), which I have had regard to. Whilst heritage matters are no longer in dispute, on the principal matters of location and conflict with the development plan and the benefit of providing an additional self-build dwelling, I have found similar in this appeal as to my colleague's decision at paragraphs 12-25. Consequently, the earlier 2020 appeal is not a material consideration which indicates a decision other than in accordance with the development plan.
19. I have taken into account all other matters raised, including the modicum of local support, but there is nothing to persuade that a decision should be taken other than that the appeal should be dismissed for the reasons given.

David Spencer

Inspector.