
Appeal Decision

Site visit made on 16 February 2021

by Jonathan Price BA(Hons) DMS DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23 February 2021

Appeal Ref: APP/L2630/W/20/3253664

26 Hall Close, Hethersett, Norfolk NR9 3HY

- 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 Ivan Brown against the decision of South Norfolk Council.
 - The application Ref 2020/0137, dated 26 January 2020, was refused by notice dated 5 March 2020.
 - The development proposed is self-build bungalow.
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Decision

1. The appeal is dismissed.

Main Issues

2. The effect on trees the subject of a Tree Preservation Order (TPO) and the character and appearance of the area.

Reasons

3. No 26 Hall Close is part of a cul-de-sac of similar housing. The appeal site is adjacent this property, within part of a wooded area, and has its own, separate access directly onto the Norwich Road. The development would replace an existing garage and car port and occupy a lawned area. The land is on the edge of the built-up part of Hethersett.
4. The settlement boundary defined for this village encompasses the housing in Hall Close. Although the width of this line, as drafted, covers part of the appeal site, the settlement boundary was quite plainly drawn around this housing, excluding the further extents of back garden and this adjacent woodland.
5. This wooded area is covered by a Group TPO and the Arboricultural Assessment¹ accompanying the proposal shows that the erection of the self-build bungalow would require the removal of two Category A oak trees. Whilst quite central to the area of woodland, these mature oak trees are both fine, large specimens and comprise important components of the group. Their removal to enable the construction of the bungalow would detract significantly from the visual amenity this section of mature woodland provides to the character and appearance of the area.
6. It is also proposed that crown reduction works be carried out to trees along the boundary with Norwich Road to manage light levels. This would further be of

¹ Tree Survey and Arboricultural Implications Assessment for proposed new dwelling at 26 Hall Close, Hethersett, Norfolk, NR9 3HY by Greenleaf Limited dated January 2020

harm to the appearance of this area of woodland. Furthermore, it is quite reasonable to conclude that the residential use proposed for this site would lead to the demand for further tree surgery for this reason.

7. Because of the size and age of these mature oak trees, the significant harm arising from their loss would not be adequately mitigated by the replacement planting offered. The loss of the two mature oak trees would conflict with Policy 1 of the Joint Core Strategy² (JCS), which gives general protection to environmental assets. There would be more specific conflict with Policy DM4.8 of the South Norfolk Local Plan Development Management Policies Document³ (LP), which seeks to safeguard and promote the appropriate management of protected and other significant trees. This would be unless the need for, and benefits of, the development would clearly outweigh their loss.
8. In addition to causing the loss of two protected and important trees, the bungalow would not relate well to the pattern of surrounding development. Whilst of an intrinsically satisfactory design, the proposal would introduce a single bungalow within a wooded and otherwise mainly undeveloped site. Such a piecemeal proposal would be harmfully out of keeping with the prevailing pattern of development in this location. As such, this proposal would conflict with JCS Policy 2 and LP policies DM1.4(d, i) and DM 3.8, insofar as these seek developments which are designed to fit in satisfactorily with their surroundings.

Balance and Conclusion

9. Housing outside defined settlement boundaries is deemed to fall within countryside under LP Policy DM 1.3 and is resisted unless supported by a specific policy, not applicable in this case, or if otherwise demonstrating overriding benefits in terms of economic, social and environment dimensions as addressed in Policy 1.1. Furthermore, to comply with LP Policy DM4.8, the need for, and benefits of, the proposal would have to clearly outweigh the loss of the trees.
10. Under the Self-build and Custom Housebuilding Act 2015 (as amended by the Housing and Planning Act 2016) the Council has duties to keep and publicise a register of the demand for self-build and custom housebuilding in their area and give planning permission to enough suitable serviced plots of land to meet this. The Council has three years within which to permit enough self or custom-build dwellings to meet the number registered in the preceding annual base period of 31 October – 30 October. Whilst the figures provided suggest the Council is meeting this requirement, the appellant's case is that this relies on counting some permissions which are not restricted as being self-build or custom housebuilding plots, evidenced by some having paid Community Infrastructure Levy.
11. The Council's self-build and custom housebuilding register is a material consideration in this proposal for a self-build bungalow. Although the evidence is not entirely conclusive, assuming the Council had granted insufficient permissions to meet the self-build and custom housebuilding demand in accordance with the statutory duty, this would add weight in favour of this proposal.

² Joint Core Strategy for Broadland, Norwich and South Norfolk. Adopted March 2011, amendments adopted January 2014.

³ South Norfolk Local Plan Development Management Policies Document – Adopted Version October 2015.

12. The appellant has cited two relevant appeal decisions⁴ allowing self-build and custom housebuilding development, where such weight had been applied. Both these schemes were substantially larger than this single bungalow proposal and had been subject to planning obligations limiting the developments to self-build housing. Whilst I give positive weight to this proposal being for a self-build bungalow, the overall benefits in this regard remain very small.
13. The dwelling would be in a broadly sustainable location, with regard to access to nearby services and facilities. Capable of an advantageously quick delivery, the bungalow would provide some very small benefits towards housing supply, the local economy and diversifying the housing market and increasing consumer choice through the self-build opportunity. However, the adverse impacts to character and appearance, particularly with the loss of the two mature oak trees, would substantially outweigh these very small benefits.
14. The proposal would conflict specifically with JCS policies 1 and 2 and LP policies DM 1.3, DM1.4(d, i), DM 3.8 and DM4.8. These policies are broadly consistent with the National Planning Policy Framework, so the latter would thus not indicate the appeal be decided other than in accordance with the development plan, with which I find there to be conflict when considered as a whole. Therefore, for the reasons set out above and having considered all further matters raised, I conclude that the appeal should be dismissed.

Jonathan Price

Inspector

⁴ APP/G2435/W/18/3214451 - 30 self and custom build residential plots at land off Hepworth Road, Woodville, Swadlincote allowed 25 June 2019. APP/W0530/W/19/3230103 Up to 9 self-build/custom build dwellings at Green End / Heath Road, Gamlingay SG19 3JZ allowed 23 September 2019.