
Appeal Decision

Site visit made on 17 August 2020

by S A Schinaia MSc EngD FGS

an Inspector appointed by the Secretary of State

Decision date: 24 February 2021

Appeal Ref: APP/L2630/W/20/3246761

The Cottage, St Johns Lane, Sisland, Norwich NR14 6EE

- 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 & Mrs A Bond against the decision of South Norfolk District Council.
 - The application Ref 2019/1652, dated 31 July 2019, was refused by notice dated 31 October 2019.
 - The development proposed is a new dwelling to replace existing building on site.
-

Decision

1. The appeal is dismissed.

Procedural Matters

2. The information on the banner heading was taken from the amended version of the application form, which superseded a former version with a different appellant. Such information corresponds to the Council's decision notice. I am determining this appeal based on the amended version.
3. Since the refusal of planning permission, a Unilateral Undertaking (UU) has been provided by the appellant. The Deed is for the provision of a self-build dwelling as part of the appeal development. I have assessed the appeal on that basis.
4. During the course of this appeal, the Council published, for consultation, its pre-submission version of the Greater Norwich Local Plan. As that document is still at an early stage of preparation, and has not been subject to examination, I attach limited weight to its policies, including emerging Policy 7.5, which deals with small scale windfall housing development, including self/custom build.

Main Issues

5. The main issue is whether the proposed development would be in an appropriate location for housing, having regard to local and national policies which address the replacement of dwellings in the countryside.

Reasons

6. The appeal site is a plot of land in Sisland. Sisland is comprised of small sparse clusters of farm buildings and other employment sites. The site sits outside any defined settlement boundary for South Norfolk and, therefore, is located within the countryside for planning purposes.

7. The appeal development, therefore, falls for consideration under policy DM3.6 of the South Norfolk Development Plan (DMPD), which states, amongst other things, that proposals to replace existing dwellings in the countryside will be permitted provided that the original dwelling has a lawful permanent residential use and is capable of residential occupation without major or complete reconstruction.
8. Although the appellant claims that the cottage could provide a home for a single person, without major reconstruction, no substantive evidence has been submitted to demonstrate this. On site, I observed that all buildings, including the cottage and its adjoining structures, were in a derelict state. In relation to the brick and tile element, the walls and the roof were in a substantial deteriorated state. The front wall has a bow in it along with a substantial crack and the roof and windows are incomplete. The adjoining structures, comprised in the main of timber and tin, have been partially constructed in a makeshift manner and are open to the elements in part. Overall, I am not convinced that they are structurally stable. This is also evidenced by images included within the appellant's ecological appraisal and landscape and visual impact assessment, along with the submitted plans that confirm that the main cottage was not measured internally due to the instability of the building. Taking all matters into account, I am not convinced by the evidence before me that the cottage, including the adjoining structures, would be capable of residential occupation without major reconstruction.
9. The main parties agree that the cottage was last occupied in the 1960s. The intention of the owner to keep the property within his family is clear. However, that intention is not corroborated by more objective facts, such as the payment of Council tax or the maintenance of the main cottage building so as to enable comfortable residential occupation. Therefore, although the property has been owned by different members of the appellant's family and some repairs were carried out in the 1980s, on balance, the evidence before me does not demonstrate that the deteriorated cottage, including adjoining structures, has maintained a residential use since the last time it was occupied. The claim that the poor state of the dwelling was as a result of lack of funds for repairs during the intervening decades is not supported by any substantive evidence and in itself does not change my view on this matter. Even if I were to agree with the appellant that a lawful permanent residential use had been demonstrated, on the basis of my conclusions on the need for major or complete reconstruction, this matter would not affect my overall conclusion on this appeal.
10. The proposed development would result in a self-build dwelling that would provide a very modest addition to the Council's housing supply and at the same time provide a suitable home for a family, whilst improving the quality of their life. It would also reduce the time taken for the appellant to travel to support the family business and would free up a large council house. The appellant has indicated that the dwelling would be affordable, but there is no mechanism to secure the proposed scheme as an affordable unit. The future occupiers would provide additional spending power. However, overall, taking all benefits cited by the appellant into account, the proposal would result in very modest support to the local community in terms of the economic and social dimensions of sustainability.
11. The proposed development would result in some environmental benefits, such as the re-use of a previously developed site, the use of traditional detailing and

materials that would blend into the locality, enhance landscaping and overall result in some improvement to the character and appearance of the area. There would be some improvements to the neighbouring occupiers' living conditions, in terms of the general upgrading of the appeal site. There would be some modest biodiversity gains, some to surface water drainage in the locality, and improvements to the energy efficiency of the existing building.

12. I note the appellant's suggested conditions to provide renewable energy and to install charging points for electric cars. The latter condition would facilitate the use of electric cars but not bind future occupiers to their use, even though I accept that use of such vehicles is likely to increase in the future. In this context future residents of the proposed scheme would still need to travel by private motor vehicle to access services and facilities that are available in the larger settlements nearby. As such, even taking into account the suggested provision of renewable energy, the evidence submitted, in terms of carbon emissions, does not demonstrate that there would be an environmental benefit as a consequence of the proposed scheme. However, taking all benefits advanced by the appellant into account, I accept that some other environmental benefits would result.
13. Looking at the appeal proposal in the round, the benefits would not outweigh the harm, due to the location of the site outside an identified settlement, the related requirement to travel and encroachment into the countryside. Further, no DMPD policies have been identified to support the development outside development boundaries.
14. I conclude that the appeal development would not be located in an appropriate location for housing, having regard to local and national policies which address the replacement of dwellings in the countryside. For this reason, it would fail to accord with DMPD policies DM1.1, 1.3 and 3.6. Those policies, together, aim to promote sustainable development, generally directing it to identified settlements, unless specific DMPD policies allow for development outside development boundaries or the proposal demonstrates overriding economic, social and environmental benefits.

Other Matters

15. The outbuildings have deteriorated to a greater extent than the cottage and adjoining structures and could not be converted to any residential accommodation or residential outbuilding without re-construction. Therefore, there is no fallback position, as suggested by the appellant, with regard to conversion of the existing structures to a dwelling under DMPD policy DM2.10, which guides the conversion and re-use of buildings in the countryside for non-agricultural use.
16. The appeal application follows a previous refusal in 2017¹. I acknowledge the efforts made to overcome the Council's reasons for refusal in that previous case and the amendments to the scheme to respond to flooding issues.
17. I acknowledge the intention of the appellant to progress the development as a self-build dwelling, supported by the UU. In this regard the appellant questions whether sufficient self-build and custom build plots have been provided to meet demand in the District. Even if this were the case and taking into account the

¹ 2017/1874

resultant demand for self and custom build plots, this would not be sufficient to alter my decision on the substantive matters in this case.

18. The appellant also suggests that the Council's policies in relation to self-build and custom build homes are out of date. Again, even if this were the case, I find that the adverse impacts of granting planning permission in this case would significantly and demonstrably outweigh the benefits. Whilst I acknowledge that the Development Plan does not include specific policies related to self-build dwellings, no relevant housing policies prevent such development.
19. The appellant refers to appeals² allowed in another district for self-build developments with circumstances and planning contexts that differ from this appeal. Specifically, the proposed schemes were outside but close to the development boundary of villages.
20. The appellant has mentioned an appeal³ in another district to support the case with regard to the test for abandonment and its use to demonstrate the residential use. However, that appeal is against a refusal to grant a certificate of lawful use or development allowed in 2015 and does not replicate the circumstances of this appeal.
21. The appellant refers to an appeal⁴ relating to two self-build dwellings in South Norfolk, dismissed as that Inspector found that the benefits of two self-build properties would not outweigh the harm to the character and appearance of the locality through urbanisation of the appeal site and encroachment into the countryside. Where relevant to this appeal, I have generally concurred with the views of that Inspector.

Conclusion

22. The appeal development would be contrary to the Development Plan when read as a whole, and there are no material considerations before me to indicate a decision other than in accordance with the Development Plan. Therefore, I conclude that the appeal should be dismissed.

S A Schinaia

INSPECTOR

² APP/G2435/W/18/3214451 and APP/H1840/W/19/3241879

³ APP/C3810/X/15/3035706

⁴ APP/L2630/W/19/3235827