



Appeal Decision

Site visit made on 19 January 2021

by Graham Wyatt BA (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26th February 2021

Appeal Ref: APP/L2630/W/20/3256909

Rushall Lodge, Harleston Road, Rushall IP21 4RT

- 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 Jackson against the decision of South Norfolk District Council.
 - The application Ref 2020/0734, dated 15 April 2020, was refused by notice dated 16 June 2020.
 - The development proposed is described as "the erection of 1 no. dwelling on land north of Harleston Road".
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The planning application was submitted in outline form with only access for consideration. Matters relating to appearance, landscaping, layout, and scale are reserved for future determination and I have considered this appeal on that basis. The appellant has provided an indicative layout which I have treated as illustrative for the purposes of this appeal.

Main Issue

3. The Council's decision notice has two reasons for refusal relating to conflict with the Development Plan and the site's location. As such, the main issue in this appeal is whether the proposed development is within an appropriate location having regard to the Development Plan.

Reasons

4. The Council confirm that the appeal site lies outside any settlement boundary and is therefore located within the countryside. Part 2 c) and d) of Policy DM 1.3 of the South Norfolk Local Plan Development Management Policies Document 2015 (LP) state that development in the countryside outside of defined settlement boundaries will only be granted where specific Local Plan policies allow for development or it has been demonstrated that there are overriding economic, social and environmental benefits as addressed in LP Policy DM 1.1.
5. Policy 1 of the Joint Core Strategy for Broadland, Norwich and South Norfolk 2011 and amended 2014 (CS) seeks, amongst other things, to minimise the need to travel by locating and designing development to use resources efficiently. LP Policy DM 3.10 (1) seeks similar aims to reduce the need to travel and to maximise the use of sustainable forms of transport appropriate to the location.
6. The appeal site lies within the countryside and some 2.5 miles to the west of the main town of Harleston. The site would be accessed via an unmade single track

which is not served by a footpath or streetlights and, as it is undulating underfoot, is not a particularly pedestrian friendly route. Consequently, the occupiers of the proposed dwelling would be required to walk or cycle down an unlit, unmade track which then leads onto country roads which also have no footpaths or street lighting. This would not only deter many pedestrians from using the local bus service, which is over a kilometre away, but is also likely to be a hindrance for certain groups of people such as users of mobility scooters, those with other mobility issues or those with prams and children, especially when laden with shopping or travelling during the evening, the winter months or bad weather.

7. Notwithstanding the local shop at Wharton Nurseries, given the location of the proposed dwelling, future residents would be highly likely to be required to travel regularly by private motorised transport to Harleston, Pulham St Mary or Pulham Market to access education, retail, employment, and healthcare. The proposal would not, of itself, generate a large number of traffic movements. Furthermore, a greater dependency on car use is inevitable in more rural locations and there are existing residential properties in the immediate vicinity. However, the cumulative effect of allowing developments in locations such as the proposal would be likely to increase the number of unsustainable journeys made. Moreover, future occupiers would be likely to draw mainly on services and facilities in the main town of Harleston, rather than in nearby villages and the addition of one dwelling at the site would only have a limited impact on the vitality of rural communities.
8. Moreover, although paragraph 84 of the Framework relates to business and community needs, it also requires developments to exploit opportunities to make a location more sustainable by improving scope for access on foot, by cycling or by public transport, which the development does not propose.
9. Thus, for the reasons given above, it has not been adequately demonstrated that the overriding benefits would outweigh the inappropriate location for the development. It would be in conflict with CS Policy 1 and LP Policies DM3.1 and DM 3.10 (1). Together these seek, amongst other things, to ensure that new development is located so that it positively contributes to the sustainable development of South Norfolk, minimises the need to travel, gives priority to low impact modes of transport and encourage walking and cycling as the primary means of travel.

Other Matters

10. The appellant refers to appeal decisions at Newman's Green¹ and Besthorpe². In allowing a development of two dwellings within the countryside, the Inspector considering the Newman's Green appeal took into account that a "*bus stop was nearby*". As I have not been provided with the location and frequency of the bus service that the Inspector referred to, I am unable to make a direct comparison to the development before me. Furthermore, I am not persuaded that all car journeys of 2.5 - 3 miles as referred to within the Besthorpe appeal are always deemed an acceptable distance to travel, as the accessibility of services and facilities by other means than the private car would also need to be taken into account. In this instance, the Besthorpe appeal was considered acceptable as, amongst other things, there was a footpath to a bus stop and site was considered previously developed land, which is not the case before me.
11. In addition, while I note the extracts from other decisions³ referred to by the appellant, without full details I am unable to assess whether the quoted

¹ APP/D3505/W/18/3196882

² APP/F2605/W/18/3198911

³ APP/L2630/W/15/3003743 and APP/F2605/W/16/3148954

conclusions conflict with the development before me or whether other material considerations were taken into account. In any event, I have considered this appeal on its own merits which is a fundamental principle that underpins the planning system.

The Planning Balance

12. There is a disagreement between the parties as to whether the Council can demonstrate a five year supply of deliverable housing sites with each party providing appeal decisions to support their position, and with reference to the Covid-19 pandemic. If the Council is unable to demonstrate such a lack of housing land supply, the tilted balance at paragraph 11 d) of the Framework requires that, in the circumstances of this case, permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
13. In this case, the development would contribute towards boosting the supply of housing in the District. As a small windfall site, the proposal could also be built-out quickly and there would be social benefits through the provision of a new dwelling. Some economic benefits may also ensue through the construction of the dwelling and in the future when residents could be expected to be economically active and to contribute to the support of local businesses and services. However, as the development would only provide a single dwelling and its lack of accessibility to services and facilities, I afford these benefits moderate weight in favour of the appeal.
14. However, whether the appeal site represents an infill site or not, I have found that the proposed development would be contrary to the Development Plan in that the site would not be a suitable location for housing, to which I afford significant weight. Paragraphs 102 and 103 of the Framework sets out its objectives for managing patterns of growth and promoting sustainable transport so that opportunities from existing or proposed transport infrastructure are realised, for example in relation to the scale, location or density of development that can be accommodated.
15. Therefore, even if the Council is unable to demonstrate a five year housing land supply and whether or not the policies from the Development Plan which are the most important for determining the appeal should be considered out-of-date, the harm I have found is serious and in my view that significantly and demonstrably outweighs the benefits of the scheme when assessed against the policies in the Framework taken as a whole. As such the presumption in favour of sustainable development as envisaged by the Framework does not apply in this case. There are no other material considerations that indicate a decision other than in accordance with the Development Plan.

Conclusion

16. Thus, for the reasons given above, I conclude that there are no material considerations of such weight as to indicate that a decision be taken other than in accordance with the Development Plan. The appeal is therefore dismissed.

Graham Wyatt

INSPECTOR