
Appeal Decision

Site visit made on 2 March 2021

by Jonathan Price BA(Hons) DMS DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 5th March 2021

Appeal Ref: APP/U2615/W/20/3262729

Land at Market Lane, Filby Heath, Filby, Great Yarmouth NR29 3ST

- 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 Matthew Barnett against the decision of Great Yarmouth Borough Council.
 - The application Ref 06/20/0346/O, dated 26 July 2020, was refused by notice dated 18 September 2020.
 - The development proposed is erection of self-build three bedroom dwelling.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The application was made in outline with all matters reserved for later consideration and I have dealt with the appeal accordingly.

Main Issue

3. Whether this would be an appropriate location for a dwelling with regard to the character and appearance of the area, accessibility to services and facilities and the need for accommodation here.

Reasons

4. The proposal relates to a rectangular area of pasture that fronts onto Market Lane, behind a roadside hedge. The site lies between an agricultural building that the appellant recently gained permission for and former farm buildings that have been converted into a dwelling (Black Barn). The surrounding area is countryside, comprising mainly agricultural land, with sporadic farm buildings, horse stabling and small pockets of housing.
5. This is an alternative to an earlier proposal for a self-build dwelling on land that the appellant owns to the other side of Black Barn. Planning permission for that had also been refused by the Council, and the subsequent appeal dismissed on 21 July 2020¹. Although that earlier proposal had related to a slightly more prominent site, at the junction of Market Lane and the main A1064, the current appeal still relates to an area of mainly open countryside, where a dwelling would be highly conspicuous and of significant harm to the mainly undeveloped character of the rural landscape.

¹ Appeal Ref: APP/U2615/W/19/3244090

6. The area of land is too wide for me to accept the argument made that the proposal is an infill site. Regardless of the scale, design, position and landscaping that might be secured through reserved matter details, a dwelling would remain out of keeping in these open rural surroundings. Although some agricultural buildings themselves may lack beauty, unlike this proposed new dwelling these comprise a form of development that has a functional and relatable role in the countryside.
7. In addition to having a harmful effect on the character and appearance of the area, occupation of a dwelling in this location would be highly dependent on regular journeys by private car to reach services and facilities. The site is far removed from any main settlements and the services these provide. The lack of intervening roadside footpaths and street lighting would deter access to the nearest facilities either by cycle or on foot. In the earlier appeal, the Inspector had noted that the distances to facilities from this location were comparable to those from other developments permitted by the Council. This includes the dwelling permitted by the Council on the 26 May 2020 in the nearby small village of West Caister. However, this other scheme related to a site in a small settlement, rather than more open countryside as in this case. This other decision does not alter my view that a further dwelling in this particular location would be undesirable due to generally poor accessibility to regularly required services, other than through frequent private car journeys.
8. I am aware of the Court of Appeal's Braintree decision² that the appellant makes reference to. That refers to the National Planning Policy Framework (the Framework) recognising that opportunities to maximise sustainable transport solutions will vary between urban and rural areas, which should be taken into account in decision-making. However, that judgement does not interpret the Framework, as national policy, actively promoting housing in rural locations with poor accessibility to services.
9. Whilst the dwelling proposed would help the appellant manage the family land inherited in this location, there is not the evidence this accommodation would be essential to maintain the effective operation of a commercially viable rural business so as to justify a further dwelling in the countryside. The proposal would therefore conflict with development plan policy which restricts new houses in the countryside, other than where there is shown to be an essential need for one in such a location.
10. To summarise, this would not be an appropriate location for a new dwelling, due to the harmful effect upon the character and appearance of the countryside, poor accessibility to services and facilities and a lack of a proven need to accommodate a rural worker. Therefore, the proposal conflicts with policies CS1, CS2 and CS11 of the Council's Core Strategy³, saved Borough-wide Local Plan Policy HOU10 and emerging Local Plan Part 2 Policy H5, insofar as they pertain to these various matters.

Balance and Conclusion

11. Although the Council can now demonstrate the five year housing land supply required under the Framework, this is not intended as a ceiling on provision. The proposal would provide very small social benefits in respect of increasing

² Braintree DC v SSCLG, Greyread Ltd & Granville Developments Ltd [2018] EWCA Civ 610

³ Great Yarmouth Borough Council Local Plan Core Strategy – adopted December 2015.

the supply of new homes, particularly those available as self-build opportunities. There would also be benefits to the local economy from the construction and future household expenditure.

12. Although the Council's 6.5-year housing land supply position was only published after the planning application was decided, my decision must nonetheless be based on current circumstances. However, even assuming there remained a lack of a five year housing land supply in this Borough, and the tilted balance in paragraph 11 d) ii of the Framework continued to hold weight, the adverse impacts of approval I have identified would still significantly and demonstrably outweigh the modest social and economic benefits provided by this one dwelling.
13. In any eventuality, the proposal would not benefit from the presumption in favour of sustainable development provided by the Framework. As a material consideration, this 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