



Appeal Decision

Site visit made on 17 March 2021

by S Tudhope LLB (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 7 May 2021

Appeal Ref: APP/L2630/W/20/3263886

Land at the Manor, Norwich Road, Chedgrave NR14 6BG

- 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 Jeniec against the decision of South Norfolk District Council.
 - The application Ref 2020/1154, dated 29 June 2020, was refused by notice dated 28 September 2020.
 - The development proposed is erection of single storey dwelling and workshop.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of single storey dwelling and workshop at Land at the Manor, Norwich Road, Chedgrave NR14 6BG in accordance with the terms of the application, Ref 2020/1154, dated 29 June 2020, subject to the conditions set out in the attached Schedule.

Procedural Matter

2. During the course of the appeal it became apparent that the Council, whilst being in receipt of a report titled "GNPD AMR 5-YHLS Investigation", dated May 2020, prepared by Parker Planning Services and submitted by the appellants as evidence, did not give it consideration due to an internal communication error. However, given my decision, I did not consider it necessary to go back to the parties in respect of this matter as this would have incurred additional expense and time which would not have had any bearing on my decision.

Main Issue

3. The main issue is whether the appeal site is suitable for the development proposed having regard to local and national policies concerned with the location of new development.

Reasons

4. In planning policy terms, the appeal site lies within the countryside, a short distance outside of the defined settlement boundary of the village of Chedgrave. Chedgrave is defined, in conjunction with the neighbouring town of Loddon, as a key service centre that provides a range of facilities to meet local needs as well as the needs of residents of surrounding areas. Policy DM1.3 of the South Norfolk Local Plan Development Management Policies Document 2015 (DMP) indicates that permission will only be granted for development in the Countryside, outside of defined settlement boundaries, where specific

development management policies allow for such development, or the proposal demonstrates overriding benefits in terms of the social, economic and environmental dimensions. These dimensions or objectives are described in DMP Policy DM 1.1 and the National Planning Policy Framework (the Framework).

5. The proposal is not a type of development supported by any specific development management policies. Therefore, in order to be acceptable, the proposal would need to demonstrate overriding benefits as described.
6. It is clear from the Council's evidence and the single reason for refusal of planning permission that the scheme is not considered harmful in terms of its effect on character and appearance and other planning grounds. Although the appeal site is outside the settlement boundary, the proposed dwelling would not be isolated, either from other dwellings or from day to day services and facilities which could be easily reached by means other than private motor vehicle. There is a footpath, with street lighting, leading to the services and facilities of the key service centre, which starts approximately 125 metres east of the proposed access to the site along the Norwich Road. Recent planning permission for residential development along the road frontage includes provision to extend this footpath to outside of the proposed access. There is no evidence to indicate that this development will not take place and the provision of the extension to the existing footpath would further enhance the accessibility of the site.
7. There remains the question whether or not there would be overriding benefits to satisfy Part 2) d) of DMP Policy DM1.3. I have taken into consideration the findings of other Inspectors in appeal decisions to which I have been referred. I concur that the key operative word "overriding" should be read in its ordinary terms as meaning it requires cumulative benefits to take priority over a clearly established spatial strategy. In order to reach a conclusion in respect of this matter, I consider it prudent to consider the reasoning behind the spatial strategy.
8. The supporting text states that Policy DM1.3 provides a development management strategy to guide new development to sustainable locations at an appropriate scale to implement the Joint Core Strategy¹. New development is envisaged throughout a hierarchy of settlements as focal points for communities. This approach also allows the countryside to retain its distinctive South Norfolk character and ensures the protection of important habitats. The main aims of Policy DM1.3 are, therefore, to protect and enhance the vitality of settlements, direct growth to those places where a good range of services and facilities are easily accessible by means other than private motorised transport, and to protect the open countryside from inappropriate development.
9. I have concluded above, in agreement with the Council, that the proposal would not result in harm to character and appearance and would be accessible to services and facilities. No other harm has been identified. This leads me to consider that the proposal complies with the underlying aims of the spatial strategy. This weighs in favour of the proposal. Whilst the lack of environmental and other harm would not amount to a benefit, there would be minor economic benefits arising from the construction of a single dwelling and future occupants would make a small but meaningful social and economic

¹ Joint Core Strategy for Broadland, Norwich and South Norfolk 2014

contribution to local services and facilities. The proposal would accord with the Framework's aim of boosting the supply of housing and its recognition of the importance of small and medium sized site delivery.

10. In light of these findings and in the particular circumstances of this case, it is my view that the proposal would constitute a sustainable form of development which I consider amounts to overriding social and economic benefits sufficient to take priority over the locational conflict with the established spatial strategy. I do not consider that the policy requires benefit to be demonstrated in each of the dimensions for the overall benefits to be considered overriding. This is because the Framework no longer requires economic, social and environmental gains to be sought "jointly and simultaneously", rather Paragraph 9 of the Framework states that the objectives of sustainable development are not criteria against which every decision can or should be judged. Nevertheless, in judging each of the objectives in this case, I have found social and economic benefits alongside neutral environmental effects.
11. I acknowledge that the planning permission for residential development along the Norwich Road was granted under the circumstances of a deficit in a deliverable five year housing land supply. Nevertheless, there is no indication that this development will not occur. Therefore, the extension of residential development along this road is a factor that influences the acceptability of the location of the proposed development in relation to proximity to other development and the effect the proposal would have on the character and appearance of the area.
12. Consequently, I conclude that the appeal site is suitable for the development proposed having regard to local and national policies concerned with the location of new development. Thus, it complies with DMP Policies DM1.1 and DM1.3.

Other Matters

13. The site lies adjacent to Chedgrave Manor, a country house dating from the early to mid C19, which is a Grade II listed building. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) requires me to have regard to the desirability of preserving the setting of the listed building. No objection has been raised by the Council on this matter.
14. The proposed dwelling would be separated from the listed building by dense boundary treatment between the two properties and I therefore concur with the Council that in this context, the proposal would have a neutral impact and would thereby preserve the setting of the listed building in accordance with Section 66(1) of the Act.
15. I acknowledge the decisions of other Inspectors to which the Council directed me where it was determined that the benefits were not overriding. However, it appears to me, that in those cases the Inspectors weighed up the policy harm of unplanned development in the countryside along with any additional harm that was identified, such as harm to character and appearance. As no site-specific harm has been identified in this appeal, I consider those decisions to be of limited applicability to this appeal.
16. There is dispute between the parties as to whether or not the Council can demonstrate a deliverable five year supply of housing sites. However, given

that I have found that the proposal would comply with the development plan I have not considered this matter further.

Conditions

17. Suggested conditions have been considered in light of advice contained in the Planning Practice Guidance and the tests within the Framework. As a result, I have amended some of the conditions so that they are enforceable, precise and reasonable in all other respects. With regard to Section 100ZA (5) of the Town and Country Planning Act 1990, the appellants have given their written agreement to the pre-commencement condition attached to this decision.
18. Conditions relating to timeliness [1] and the identification of plans [2] are necessary to provide certainty. In the interest of character and appearance, a condition is necessary to ensure the use of appropriate external materials [5]. Tree protection measures [4, 6] are to be implemented to protect the well-being of the trees to be retained in the interest of character and appearance of the area and biodiversity. Details of surface water drainage [7] and foul water disposal [11] are required to protect against flooding and in the interest of public health. Implementation of access, parking, turning, provision of visibility splays and control of any means of access obstruction are required in the interest of highway safety [8, 10, 9, 13]. Water consumption is restricted [12] in the interest of using water efficiently and to assist in reduced energy consumption.
19. Linked to the biodiversity of the site a specific pre-commencement condition [3] is included in the interests of protected species.

Conclusion

20. For the reasons given above and subject to the conditions set out, the appeal is allowed.

S Tudhope
Inspector

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 2.00_Proposed_Site_Plan_Rev C; 3.10_Proposed Cart Lodge – Elevations; 3.06_Proposed Cart Lodge - Ground Floor Plan; 3.07_Proposed Cart Lodge - Roof Plan; 2.02_Proposed Roof Plan; 2.01_Proposed Ground Floor Plan; 2.10_Proposed Sections 1 of 2; 2.11_Proposed Sections 2 of 2; 2.15_Proposed Elevations 1 of 2; 2.16_Proposed Elevations 2 of 2; 3.01_Proposed Workshop - Ground Floor Plan; 3.02_Proposed Workshop - Roof Plan; and 3.15_Proposed Workshop – Elevations.

- 3) The development hereby permitted shall not begin until full details of the ecology mitigation to be undertaken as part of the scheme and timing for implementation (taking account of mitigation and enhancement measures within section 5 of the Preliminary Roost Assessment, dated October 2019 prepared by Parker Planning Services, submitted to the Local Planning Authority on 30 June 2020) have been submitted to and approved in writing by the Local Planning Authority. Thereafter, the approved details shall be implemented in full accordance with the approved timetable and retained as such thereafter.
- 4) All the tree protection measures set out within the Arboricultural Report V1.2 (Revised 25 October 2019), submitted to the Local Planning Authority on 30 June 2020 and indicated on the approved plan 2.00_Proposed_Site_Plan Rev C submitted to the Local Planning Authority on 3 September 2020 are to be installed prior to the commencement of development.

The approved tree protection measures are to be maintained in good condition and adhered to throughout the construction period. No construction-related activities (for example: storage and / or siting of vehicles, fuel, materials, site huts or other buildings or ancillary equipment; raising or lowering of ground levels; installation of underground services, drains; lighting of fires etc.) may be undertaken within the identified Construction Exclusion Zones and fenced areas.

In the event that any tree(s) become damaged during construction, the Local Planning Authority shall be notified, and remedial action agreed and implemented. In the event that any tree(s) dies or is removed without the prior approval of the Local Planning Authority, it shall be replaced within the first available planting season, in accordance with details to be agreed with the Local Planning Authority.

- 5) The development hereby permitted shall not progress above slab level until details, including colours where required, of the materials used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority. The development shall then be constructed in accordance with the approved details.
- 6) Prior to the commencement of works on the vehicular track / drive and on-site parking and turning areas, full details of the no-dig construction works shall be submitted to, and approved in writing by, the Local Planning Authority. The works shall be carried out in accordance with the approved details.
- 7) No development other than the works required for the laying of foundations shall commence until full details of the means of sustainable surface water drainage, have been submitted to and agreed in writing with the Local Planning Authority. The details should include the results from percolation tests if appropriate and incorporate installation of water efficiency and water saving devices such as rain saver systems. The development shall be carried out in accordance with the agreed details prior to being brought into use and shall be retained as such thereafter.
- 8) Prior to the first occupation of the development hereby permitted the vehicular access / crossing over the verge shall be laid out in the position shown on the approved plan. The construction specification shall be in

- accordance with Highway Specification drawing TRAD 4. Arrangement shall be made for surface water drainage to be intercepted and disposed of separately so that it does not discharge from or onto the highway.
- 9) Prior to the first occupation of the development hereby permitted, visibility splays shall be provided in full accordance with the details indicated on the approved plan. The splays shall thereafter be maintained at all times free from any obstruction exceeding 1.05 metres above the level of the adjacent highway carriageway.
 - 10) Prior to the first occupation of the development hereby permitted, the vehicular track / drive and on-site parking and turning areas, shall be provided in accordance with the details shown on the approved plan 2.00_Proposed_Site_Plan_Rev C Space. This area shall be levelled, surfaced, drained and be retained thereafter available for that specific use.
 - 11) No means of foul water disposal shall be used other than the sealed system or private treatment plant indicated on the application details. The approved details shall be fully implemented prior to the first occupation of the development hereby permitted and retained as such thereafter.
 - 12) The development hereby permitted shall be designed and built to achieve a water consumption rate of no more than 105 litres / person / day. All required water conservation measures installed to achieve this rate shall be retained / upgraded to ensure the required water consumption rate is not exceeded for the lifetime of the development.
 - 13) Any access gates / bollard / chain / other means of obstruction shall be hung to open inwards, set back, and thereafter retained a minimum distance of 5 metres from the near channel edge of the adjacent carriageway. Any sidewalls / fences / hedges adjacent to the access shall be splayed at an angle of 45 degrees from each of the outside gateposts to the front boundary of the site.

End of Schedule.