



Appeal Decision

Site visit made on 24 March 2021

by J Somers BSocSci (Planning) MA (HEC) MRTPI IHBC

an Inspector appointed by the Secretary of State

Decision date: 10 May 2021

Appeal Ref: APP/L2630/W/20/3263226

Oak Lodge, Norwich Road, Kimberley NR18 9HA

- 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 and Mrs C House against the decision of South Norfolk Council.
 - The application, ref. 2020/0600, dated 25 March 2020, was refused by notice dated 2 July 2020.
 - The development proposed is an over 55's, self-build dwelling (resubmission of 2019/2486).
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Decision

1. The appeal is dismissed.

Main issue

2. The main issue is whether the proposal would provide a suitable site for development, having regard to its location in conjunction with the Housing Strategy of the area and the sustainability of the location.

Reasons

3. The appeal site consists of a parcel of land located to within the front/side grounds of a dwelling known as 'Oak Lodge' which is accessed from Norwich Road. Norwich Road is a 'B' class road which runs from the A47 to Hingham. At the point of the appeal site, the road is travelling through land deemed to be outside any settlement boundary and within a countryside location. At the point of the beginning of the accessway to the appeal site, there is a junction in Norwich Road where Wymondham Road branches off and forms the boundary of a small green/common which is overlooked by a small number of cottages. It is at this junction where the majority of dwellings forming the small settlement of Kimberley is formed.
4. I note comments in the applicant's Statement of Case (SoC) that Kimberley has a '*substantial number of homes providing residence to a substantial number of people*;' however I did not experience this on my site visit. Kimberley is a very small settlement indeed which is more akin to a hamlet or a small scattering of dwellings. Kimberley has a church, a telephone kiosk and a bus stop as well as a Konect bus service which provides trips into Watton and Norwich; however does

- not have any facilities such as a corner shop etc, which would support the day-to-day convenience needs of the settlement.
5. Norwich Road at the point of the appeal site is a single carriageway in each direction with no footpaths or street lighting. I appreciate that the road conditions I experienced on my site visit was only a snapshot of the road at this particular time, however whilst the speed limit was 40 miles per hour, vehicles did appear to be travelling at high speeds which together with the frequency of cars made Norwich Road difficult to cross.
 6. Policy DM1.3 of the South Norfolk Local Plan Development Management Policies Document 2015 (DMP) is the main policy for the delivery of housing in the local area. This policy seeks to implement the local level spatial strategy for the distribution of sustainable development that derives from the spatial strategy of the Joint Core Strategy for Broadland, Norwich and South Norfolk (JCS), which is contained in Policies 1 and 6. Additionally, Policy DM3.10 of the DMP seeks that all development should support sustainable transport and development objectives, utilise opportunities to integrate with local sustainable transport networks, and be designed to reduce the need to travel and to maximise the use of sustainable forms of transport appropriate to the location.
 7. Whilst the applicant does not dispute the delivery of dwellings and the housing supply position of the Council, there is commentary in the applicant's statement regarding the supply of self-build dwellings within the council area which is '*undersubscribed by way of provision of availability*;' however no evidence is submitted to support this statement. The Council in their SoC highlight that there is a 5 year land supply as assessed in two recent appeal decisions¹, which was also satisfied of the position of delivery of self-build housing. I have no reason to dispute these findings based upon the information submitted within the applicant's SoC. That said, Policy DM1.3 is up-to-date and there is a five-year supply of deliverable housing land, the tilted balance at paragraph 11d of the Framework is not engaged.
 8. Paragraph 78 of the Framework and relevant Case Law² shows that development in countryside locations can enhance or maintain the vitality of rural communities where they are suitably located, which may not only be associated with the closest settlement, but other settlements surrounding. The nearest settlement to the appeal site is Wicklewood, which does not offer any day-to-day convenience needs, with the larger settlements of Hingham (5.5kms) and Wymondham (5kms) likely being the closest settlements able to provide services and facilities for the proposed development. Despite this, the Council's planning policy does not place an emphasis or role on Kimberley in delivering housing within the area; with the settlement not having a development boundary and being part of the countryside.
 9. Having visited the site, it is clear that future residents would be predominantly dependant on the private car to access the appeal site and to access surrounding settlements. I appreciate that there is a bus stop opposite the access which has a reasonable occurrence to and from surrounding settlements; however there are no footpaths, street lighting and the traffic speed and

¹ Appeal Ref: APP/L2630/W/20/3260880 & APP/L2630/W/20/3246163

² Braintree District Council v Secretary of State for Communities and Local Government, Greyread Limited & Granville Developments Limited [2017] EWHC 2743 (Admin); [2018] EWCA Civ 610

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frequency of vehicle movements would make access difficult for pushchairs, wheelchairs or persons with mobility impairments. The lack of street lighting, levels of light during poor weather conditions and the need to cross this busy road would also be further reasons why the site would not be a suitable location which would offer genuine alternative access to the private vehicle.

10. The applicant's SoC outlines a number of benefits of the proposal which relate to socio-economic factors such as making available a family home, economic benefits in terms of short term employment opportunities from the construction of the scheme and expenditure locally from future occupants; increasing the vitality and vibrancy of nearby settlements and the local community. I also note other benefits such as contributing to the supply of housing; the deliverability of small sites; and the development of underused or under-utilised plots. These benefits weigh moderately in favour of the development. I also note reference to the self-build nature of the site, and that the proposal would be for over 55's housing; the intention of which is only shown in the application form and accompanying documents, with no formal agreement submitted with the application or appeal.
11. I note commentary in the applicant's SoC that there is a 'requirement' for the settlement of Kimberley to release homes back onto the market to maintain its community. Whilst this may be beneficial to the community, there is no such requirement in the Council's development plan. Given the healthy land supply position which also contains deliverability of self-build dwellings (as discussed previously) and dwellings for over 55s; I therefore afford only limited benefit to the self-build nature of the site or that it would be available to over 55's.
12. Despite these benefits, the impacts of the proposed development are significant when taking into account the housing strategy for the area and the transport credentials of the site. The lack of nearby services or facilities and large distances to cover would be unlikely to deter the use of the private car. Consequently, the appeal location is not very sustainable or well-connected to facilities to give an overriding social or environmental benefit in this countryside location.
13. Therefore, taking these findings as a whole, I conclude that the location for the proposed development would not be made in accordance with the housing strategy, and whilst there are benefits of the scheme in terms of its economic credentials, these benefits do not outweigh the harms caused to the social and environmental dimensions. The proposed scheme would therefore be contrary to DMP Policy DM1.3 which seeks to carefully manage new development in countryside locations in accordance with the over-arching spatial strategies for both the Greater Norwich and South Norfolk areas; and Policy DM3.11 which seeks sustainable transport and genuine forms of transport are present in new development proposals.

Other Matters

14. The Applicant's SoC refers to two appeal decisions;³ however the applicant's SoC does not make it clear which elements of the appeals are relevant to the appeal under consideration. One of the appeals is located at Woodton, adjacent to the settlement boundary where it is noted by the Inspector that the Council did not

³ Appeal Ref: APP/L2630/W/20/3254846; and APP/L2630/W/20/3251755
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dispute its sustainability credentials and its access to services and facilities. The second appeal was for an annexe to support an agricultural business in Wymondham, where weight and consideration were given to the care needs and enabling the existing livestock business to grow. Having read these appeals, I do not see the similarities as there were different considerations of the merits of the scheme and the harmful and beneficial elements that contributed to the consideration of sustainable development. As such these example appeals are not relevant to the considerations of this appeal.

15. I refer to comments from interested parties who raise objections to the scheme for reasons such as flooding, character and appearance, highway safety concerns with accidents occurring at the junction of Norwich and Wymondham Roads. I have not felt the need to delve into these matters given that the appeal has been found to be inappropriate when judged against the development plan policies as noted previously.
16. I also note comments from interested parties and the parish council who support the proposed development. I have taken into account these comments, however these comments would not overcome the harm caused from a development within this location that conflicts with the development plan.

Conclusion

17. For the reasons given above, the appeal is dismissed.

J Somers

INSPECTOR