The Planning Inspectorate

Appeal Decision

Site visit made on 25 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/20/3263037

37 Park House, Watton Road, Colney NR4 7TY

- 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 Adam and Melissa Korn against the decision of South Norfolk Council.
- The application, ref. 2020/0051, dated 9 January 2020, was refused by notice dated 14 May 2020.
- The development proposed is the erection of a new self-build dwelling to replace an existing tennis court.

Decision

1. The appeal is dismissed.

Preliminary Matters

2. I have taken the Council's description of development for this appeal which describes only the elements which require planning permission.

Main issue

3. 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.

Reasons

4. The appeal site consists of a parcel of land to the rear of three dwellings which are built in tandem and are accessed from a private drive from Watton Road. Watton Road is a 'B' class road which runs from the A47 to the centre of Norwich and 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, Watton Road is a single carriageway in each direction with the opposite side of the road containing an informal trodden earth path which leads to a bus stop approximately 200 metres away. To the north and east of the appeal site is a large woodland which is utilised for burials and cremations.

5. 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.

6. Commentary with the Applicant's Statement of Case (SoC) questions the consistency of Part 2 of DMP Policy DM1.3 with the National Planning Policy Framework (The Framework) where in the applicant's opinion the 'overriding benefits test' of economic, environmental and social dimensions as contained in Policy DM1.3 of the DMP is a 'significantly higher' test than the Framework at Paragraph 11. For this reason, the applicant suggests that Part 2 of DMP Policy DM1.3 is out of date and that paragraph 11d of the Framework would apply.

7. Part 2 of Policy DM1.3 along with supporting text to the policy does not prevent development in the countryside, nor is it a blanket approach. The Council have also drawn my attention to another recent appeal decision[1] nearby which assessed the same issue. In this appeal (and another mentioned within this appeal letter); colleagues have taken the view, referred to by the LPA, that 'overriding benefits' for the purposes of Part 2 of DM1.3 should be on a par with being 'exceptional' (i.e. being much more or greater than usual). That said, I do not share the opinion of the applicant that there is a 'significantly higher' test between the Framework and the DMP and that Part 2 of Policy DM1.3 is in general conformity with the Framework; is up-to-date; and to be afforded full weight in the decision-making process.

8. Additionally, commentary has been made regarding the Council's Annual Monitoring Report which shows that there has been a decline over the last 2 years of the delivery of housing. The Council in their SoC highlight that there is a 5 year land supply as assessed in a recent appeal decision, 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, because 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.

9. Paragraph 78 of the Framework and relevant Case Law[2] 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 Colney, where the development boundary of this settlement is approximately 550 metres away which is part of the Norwich Research Park. Colney is a small settlement defined as a 'rural fringe' area where there are no services for day-to-day convenience needs; however hosts some larger health, employment and scientific uses such as the Norwich University Hospital, Care Homes and the Norwich Research Park. Despite this, the Council's planning policy does not place an emphasis or role on

[1] Appeal Ref: APP/L2630/W/20/3258218

[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

Colney in delivering housing with the area; with Colney remaining part of the transitional countryside area on the periphery of Norwich.

10. Having visited the site, it is clear that future residents would be dependant on the private car to access the appeal site. I appreciate that there is a bus stop 200 metres from the access which has a reasonable occurrence to and from Norwich; however the state of the trodden path means that it would only be accessible from able bodied persons and not 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.

11. The applicant's SoC outlines a number of benefits of the proposal such as contributing to the supply of housing; the deliverability of small sites; socio-economic benefits in terms of short term employment opportunities and expenditure locally from future occupants; increasing the viability of nearby settlements; 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, the intention of which is only shown in the application form and accompanying documents, with no formal agreement submitted with the application or appeal. Given the healthy land supply position which also contains deliverability of self-build dwellings, I therefore afford only limited benefit to the self-build nature of the site.

12. I also note reference to paragraph 131 of the Framework where the applicant seeks that the proposed scheme is 'truly outstanding or innovative' where such a scheme may be an exceptional circumstance within the countryside under paragraph 79 of the Framework. Whilst I appreciate that the position of the dwelling is not isolated in terms of paragraph 79 of the Framework, in order to be truly outstanding or innovative, a proposed scheme should reflect the highest standards in architecture, and would help to raise standards of design more generally in rural areas; and would significantly enhance its immediate setting, and be sensitive to the defining characteristics of the local area. It is unclear which strand the applicant seeks that the proposed scheme achieves, however states that an award winning architect has been employed to design the scheme, which is constructed to Passive Haus Standard and which has been designed to sit unobtrusively within the site.

13. I have had regard to the reasons for this which include the proposed scheme's architecture, how the building responds to its setting, use of materials, levels of air tightness and the use of sustainable technologies. The Design and Access Statement mentions that the scheme would split uses in its design having a separate office and link to the dwelling which would not be unique in terms of its design. It would also incorporate Passive Haus Standards in terms of thermal efficiency and incorporate an electric vehicle charge point and provide a net gain in biodiversity with replacement planting to provide dispensation for the loss of a Silver Birch tree. The proposed scheme would be commendable in seeking to achieve high standards, including that of sustainable and thermal technologies. However, given advances in thermal efficiency and the growing number of Passive Haus systems being employed which is becoming a well-established technology, these elements would not be unduly innovative or outstanding.

14. The design of the dwelling has been carefully considered to take account of the context of the site which lies to the rear of 3 other houses positioned in tandem. There is no reference as to whether the scheme has been assessed by a design panel and how the building design has evolved as a result. The design of the dwelling is quite simple and functional, consisting of two main rectangular buildings with a link with pitched and gabled roofs which are clad in different colours to reflect their uses as home office and residential which is relatively low scale within its surrounding woodland environment where there is a net gain in biodiversity. The form of the dwelling seeks to provide a modern take on barn type structures along with a landscaping scheme that responds to the building and the site.

15. That said, the proposal is essentially a local design response taking account of the features of the site and the surrounding context. The design itself is quite functional and modest, it does not incorporate any novel features or new concepts. Paragraph 127 of the Framework identifies that all development should add to the quality of an area; be visually attractive as a result of good architecture; and should be sympathetic to the local character and landscape. Those requirements apply to all development. The proposal would achieve those requirements but, for these reasons given, I am not persuaded that the proposed scheme would be 'truly outstanding or innovative.' I do however afford the environmental merits of the scheme moderate benefit.

16. The appeal documents contain a letter from the Parish Council as well as an interested party that supports the development. The Parish Council refers to the policies of a Parish Plan, which is not a development plan document and has the status similar to a supplementary planning document. I have considered these responses and the Parish Plan as part of the beneficial elements which weigh into the planning balance.

17. 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 on informal and inappropriate footways 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.

18. 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 environmental and 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

19. The Applicant's SoC refers to an appeal decision[3] where the Inspector was satisfied that the appeal met all three dimensions of sustainable development and therefore approved the appeal. Having read the appeal, 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 this example appeal is not relevant to the considerations of this appeal.

Conclusion

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

J Somers

INSPECTOR

[3] Appeal Ref: APP/L2630/W/19/3229614