
Appeal Decision

Site Visit made on 22 June 2021

by Paul Thompson DipTRP MAUD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 2 July 2021

Appeal Ref: APP/Y2620/W/20/3261568

Lucinda House, Moor Lane, The Green, Stalham NR12 9QD

- 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 Mrs Linda Fiske against the decision of North Norfolk District Council.
 - The application Ref PF/20/1073, dated 1 July 2020, was refused by notice dated 1 October 2020.
 - The development proposed is erection of a self-build two-bedroom, single storey dwelling, with garage, in the garden of Lucinda House.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are: -
 - the effect of the proposed development on the character and appearance of the site and its surroundings, including its biodiversity value;
 - whether the proposal is consistent with policies relating to housing in rural areas, having regard to the Council's spatial strategy;
 - whether local shops, services, and facilities would be accessible to the proposed development;
 - whether suitable living conditions would be provided for occupiers of the proposed development, with regard to external space; and
 - the effect of the proposed development on the living conditions of the occupiers of neighbouring houses.

Reasons

Character and appearance

3. The appeal site concerns part of the large garden of Lucinda House, situated to the north of Moor Lane, which is accessed from Yarmouth Road. The houses located in the lane can be grouped into two spatially distinct characters, from houses in the initial part densely arranged with a frontage, to those closer to the site arranged at the frontage and in backland positions but within spacious plots with mature planting. The scale and appearance of the houses is diverse, with a mix of one and two-storey properties and a broad materials palette. As a

result, the variety to the pattern of development and architecture makes a significant contribution to the character and appearance of Moor Lane.

4. The proposed house would incorporate a parking and turning area to its frontage and an 'L-shaped' garden to its rear, but it would occupy a significant proportion of the proposed plot. It would therefore be conspicuous in its surroundings, as a cramped form of development that would contrast with the spacious arranged of other houses in the immediate context of the site.
5. The access to the proposal would also require the removal of trees and shrubs to the east of Lucinda House, which screen its rear garden. The appellant's Arboricultural Impact Assessment (AIA) suggests that these are not significant in size or age and that compensatory planting could be carried out to the rear. However, this would be unlikely to be commensurate with the existing screening either in its terms of its visual or biodiversity value for some time. It would also serve to draw attention to the cramped form that would be created.
6. I accept that the position of the proposed house to the rear of Lucinda House would not, of itself, result in a contrasting form of development, as it would add to the grouping of houses already situated in a backland location. The garden of Lucinda House would also remain spacious. The proposed house would utilise flint like Lucinda House and Inglewood and the proposed grey windows would not be prominent features, neither aspect of the intended materials palette would therefore be visually harmful. Furthermore, the house could be built to a high standard, incorporating environmental construction techniques. Nevertheless, these factors would not obviate the visual harms that would result from the proposal.
7. In light of the above, I conclude that the proposed development would have a significantly detrimental effect on the character and appearance of the site and its surroundings, including its biodiversity value. Hence, the proposal would not accord with the aims of Policies EN2, EN4 and EN9 of the CS, in respect of biodiversity and design.

The Council's spatial strategy

8. Policy SS1 of the North Norfolk Core Strategy (the CS) states that Stalham is defined as a Secondary Settlement where a more limited amount of additional development will be accommodated, beyond the Principal Settlements. The site falls outside of the settlement limits, albeit adjacent to it, so it is designated as countryside for the purposes of the development plan. Development is therefore restricted to particular types of development to support the rural economy, meet affordable housing needs, and provide renewable energy. Policy SS2 of the CS, reiterates this point and sets out an extensive closed list of suitable development types that require such a location. The appeal proposal does not fall within any of the listed development types.
9. For the above reasons, I conclude that the proposal would not be consistent with the Council's spatial strategy regarding housing in rural areas. Hence, it would be contrary to the spatial principles of Policies SS1 and SS2 of the CS.

Accessibility

10. The National Planning Policy Framework (the Framework) suggests that opportunities to maximise sustainable transport solutions will vary between

urban and rural areas and it seeks to restrict housing in rural areas to locations where it will enhance or maintain the vitality of rural communities.

11. The site would be situated in an accessible location in relatively close proximity of local shops, services, facilities that would be supported by future occupiers, thereby positively contributing to the vitality and viability of the local economy, including Stalham. There would also be a choice of transport modes for future occupiers, other than private motorised vehicles, as occupants would be able to walk and cycle from the site or utilise public transport from nearby bus stops.
12. In light of the above, I conclude that local shops, services, and facilities would be accessible to the proposed development. Hence, the proposal would accord with paragraphs 78 and 103 of the Framework.

Living conditions for occupiers of the proposal

13. In the first main issue I raised concerns about the cramped arrangement of the proposed house within its plot in relation to character and appearance, but the provision of external space is a separate consideration. I have not been referred to any space standards identified in the Council's development plan or any other relevant policy or guidance documents that cover such requirements. With this in mind, while the external space for the proposed house would relate to rear garden and this would be smaller than those of neighbouring properties, it would be of sufficient size to provide usable space for occupiers of the house.
14. Based on the evidence before me, I conclude that suitable living conditions would be provided for occupiers of the proposed development, with regard to external space. Hence, the proposal would accord with the aims expressed in Policy EN4 of the CS in relation to living conditions.

Living conditions of neighbouring occupiers

15. The western gable end and rear projection of the proposed house would be situated close to the proposed boundary fence between the site and the retained garden for Lucinda House. The rear projection would be toward the boundary fence between the site and the access to The Nook and Inglewood beyond it. As the proposed house would be single storey in height, its scale would be unlikely to appear oppressive or imposing when viewed from these properties or their gardens, or result in significant overshadowing of the same.
16. I therefore conclude that the proposed development would not have a harmful effect on the living conditions of the occupiers of neighbouring houses. Hence, the proposal would accord with the aims expressed in Policy EN4 of the CS in relation to living conditions.

Other Matters

17. The Broadland Special Protection Area (SPA) and Ramsar site is internationally important for nature conservation, due to its use by protected birds throughout the year, and The Broads Special Area of Conservation (SAC) is also protected for its complex biodiversity. I am conscious of the requirement to undertake an 'Appropriate Assessment' of the effects of the development on the SPA and SAC. However, Regulation 63(1) of the Conservation of Habitats and Species Regulations 2017 indicates that the requirement for an Appropriate Assessment is only necessary where the competent authority is minded to give consent for the proposed development.

18. Given that I have identified conflict with the development plan in relation to the location of the site and harmful to the character and appearance of the site and its surroundings, unless there is another material planning consideration which suggests that permission should be granted, it is not necessary for me to consider this matter in any further detail.

Planning Balance

19. The Council has indicated that it can demonstrate in excess of five years' supply of deliverable housing land in the District and I have been referred to a relatively recent appeal decision¹, in which the figure of 5.16 contained in the Council's position statement² was agreed upon. The appellant accepts this.
20. I have also had regard to the aforementioned decision in respect of the consistency of the most important policies for determining this appeal with the Framework. I have no reason to disagree with my colleague that Policies SS1 and SS2 are not out-of-date. Similarly, I find that Policies EN2, EN4 and EN9 are generally consistent with the aims expressed in the Framework regarding landscape and settlement character, design, and biodiversity. The most important policies in this case, taken together, are therefore not out-of-date.
21. In light of this, paragraph 11 of the Framework is not engaged. Nevertheless, the presence of a five-year supply does not represent a ceiling on the delivery of housing, as the Framework supports the Government's objective to significantly boost the supply of homes. Moreover, I note the contribution that would be made by the proposed house, particularly as it could be built quickly, but this contribution would be minor, which would only carry limited weight.
22. Additional self or custom build properties may help the Council to meet its obligations imposed by the Self-Build and Custom Housebuilding Act 2015³ (the Act) for housing in the District. The primary design input of self or custom build properties should be from an initial occupier. The appeal scheme includes the full details of the design of the proposed 2-bedroom bungalow, which the appellant intends to occupy, as it would be a single storey property which would meet her needs moving forward. This would qualify as being self-build.
23. Nevertheless, I have not been provided with a legal mechanism, such as a planning obligation, to ensure compliance with the provisions of the Act and provide certainty of a self-build project, as promoted by the appellant. While the appellant has suggested the use of a planning condition, I am not satisfied that this would be an appropriate mechanism for the aforementioned reasons. Even if the proposal was implemented and a self-build property provided, given the scale of the proposed development this benefit would only be afforded moderate weight.
24. The Framework also gives substantial weight to the value of using suitable brownfield land within settlements for homes. I recognise that the proposal could be said to make more efficient use of the site, which the appellant has deemed surplus to requirements, but the site is part of a garden in a built-up area so it would not meet the Framework's definition of Previously Developed Land. Even if this were the case, the Framework is clear that making efficient use of land should include taking into account the desirability of maintaining an

¹ Appeal Ref: APP/Y2620/W/20/3248468.

² As expressed in their 'Five-Year Supply of Housing Land 2020-2025' document (April 2020).

³ As amended by the Housing and Planning Act 2016.

area's prevailing character and the importance of securing well-designed, attractive and healthy places.

25. Some short-term economic benefits would arise from, for example, employment and procurement of materials during the construction period and the application of the New Homes Bonus. Due to the scale of proposal in relation to the size of the settlement, these benefits would carry limited weight.
26. The proposed house would alongside Lucinda House, which is occupied by the appellant's family. The potential reduction to public service delivery of care for the appellant through care provided by family members, would therefore be a public benefit of limited weight in social and economic terms.
27. I appreciate that the proposed development could provide net gains for biodiversity, as set out in the Framework, through native planting within the site and habitat for bats, but the proposal would remove existing vegetation and there is no substantive evidence before me of how the net gains have been measured or would be secured. This benefit therefore carries limited weight.
28. As outlined in the third main issue, the proposal would be situated within an accessible location, in accordance with the Framework. Given the scale of the proposed development this would amount to a benefit of limited weight.
29. The proposal would comply with the development plan in respect of the living conditions of occupiers of the proposed development and neighbouring occupiers. Together with the absence of harm or policy compliance in respect of other matters advanced by the appellant, such as flood risk and impacts on heritage assets, these factors would neither weigh for nor against the proposal.
30. In terms of harm, the proposed development would not comply with development plan policy in respect of its location in the context of the Council's spatial strategy, and the effect on the character and appearance of the site and its surroundings, including its biodiversity value. I afford significant weight to the conflict of these harms with the development plan.
31. Overall, I find that the adverse impacts of the proposal are matters of significant and overriding weight against the grant of planning permission. The proposal would also not amount to sustainable development under the terms of the Framework.

Conclusion

32. The proposed development would be contrary to the development plan, when considered as a whole, and there are no other considerations, including the provisions of the Framework, which outweigh this finding. Accordingly, for the reasons given, I conclude that the appeal should not succeed.

Paul Thompson

INSPECTOR