



Appeal Decision

Site visit made on 30 June 2021

by John Felgate BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State for Housing, Communities and Local Government

Decision date: 16 July 2021

Appeal Ref: APP/K2610/W/20/3251549

Land at 'The Paddocks', Frettenham Road, Horstead, Norfolk NR12 7LB

- 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 Paul Platten against the decision of Broadland District Council.
 - The application Ref 20191686, dated 25 October 2019, was refused by notice dated 20 December 2019.
 - The development proposed is the "erection of one dwelling/bungalow".
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Decision

1. The appeal is allowed and planning permission is granted for the erection of one dwelling/bungalow on land at 'The Paddocks', Frettenham Road, Horstead, Norfolk NR12 7LB, in accordance with the application, Ref 20191686, dated 25 October 2019, subject to the conditions in the attached schedule.

Preliminary matter

2. The appeal proposal is for outline planning permission with all detailed matters reserved. The appeal submission is accompanied by a layout plan for a new access to the site, but this does not appear to have formed part of the application at the time of the Council's decision. I have treated these submitted details as illustrative.

Main issues

3. From the submissions before me, the main issues in the appeal are as follows:
 - whether the proposed development is acceptable in principle, having regard to its location outside the defined settlement boundary for Horstead;
 - whether the development would be excessively reliant on journeys by car for access to local services and facilities
 - and the effects of the development on the area's character and appearance;

Reasons for decision

Settlement boundary and the principle of development

4. Settlement limits for the villages of Broadland District are defined on the Policies Map. In the present case there is no dispute that the appeal site lies outside the defined limits for Horstead.
5. With regard to the principle of development, the Council relies on Policies GC1 and GC2 of the Development Management DPD¹ (the DMDPD). Of these, the

¹ The Broadland Development Management Development Plan Document, adopted September 2015

more relevant in this case seems to me to be Policy GC2. This states that new development will be accommodated within settlement limits; and outside those limits, development will be permitted where there is no significant adverse impact, and where it accords with a specific allocation and/or policy of the development plan.

6. From this it is clear that Policy GC2 is intended, first and foremost, to channel most new development into sites that are within settlement limits. The explanatory text makes it clear that this is to focus housing in those settlements with the best services and employment opportunities. Outside settlement limits however, whilst development is not encouraged, Policy GC2 does not prohibit it. And in particular, where such a proposal accords with other policies, and avoids significant impacts, the policy wording is clear that it should be permitted.
7. In this regard therefore, Policy GC2 seems to me to be designed to allow a degree of flexibility towards development outside settlement limits, especially where such development is found to be acceptable on other grounds. Consequently, the policy itself does not give rise to any objection in principle, but rather defers to whichever other policies are most relevant to the particular site or development proposal. In the present case, those are the policies relating to the other issues identified above.
8. With regard to DMDPD Policy GC1, that policy requires a positive approach to development, reflecting the National Planning Policy Framework (NPPF)'s presumption in favour of sustainable development. The policy leaves the question of whether a particular development is sustainable to be considered on its individual merits. As such, it has no direct correlation with settlement boundaries.
9. No other policies relevant to the issue of developing outside settlement boundaries have been identified in the parties' submissions.
10. I conclude that, despite its location outside the Horstead settlement boundary, the appeal proposal does not give rise to any in-principle conflict in relation to any identified development plan policy.

Accessibility to local services and facilities

11. In the Joint Core Strategy² (the JCS) for the area, Policy 1 seeks, amongst other things, to ensure that developments help to minimise the need to travel, and thus to curtail greenhouse gas emissions.
12. In the present case, Horstead and the adjoining village of Coltishall are jointly designated in JCS Policy 15 as a Service Village. The Service Villages are defined as having a good level of services and facilities, and are seen as being suitable for small-scale housing growth.
13. On my visit, I saw that these facilities include a primary school, doctors' surgery, village hall, recreation ground, a 'Co-Op' convenience store, and several other shops. I also saw that there are bus services to Norwich. Inevitably, the number and range of these facilities may change over time, but I have no reason to doubt that Horstead's designation as part of a Service

² The Joint Core Strategy for Broadland, Norwich and South Norfolk, adopted with amendments in January 2014

- Village properly reflects its current role and its ability to supply the local community with a reasonable range of day-to-day goods and services.
14. The appeal site is located on Frettenham Road, on Horstead's western edge. From there, the main nucleus of the combined village, around the High Street/Church Street/Norwich Road junction, is about 800m or so, or a 10-minute walk for a reasonably able person. This is not an unreasonable distance, and not one likely to deter those normally disposed to walk or cycle. Nor is it any further than the distances from some existing streets which are well within the settlement boundary.
 15. Some of the combined facilities, such as the Coltishall Primary School and Medical Practice, are some way further on, but equally some others including a butchers shop and the Recruiting Sergeant pub, are a good deal closer. These differences do not seem to me to be unduly significant. In my view, all of the village's main facilities are within acceptably easy reach, including by sustainable modes of transport for those inclined to take advantage.
 16. Some sections of the route from the appeal site into the village are unlit, and this might well be a disincentive for some, at certain times of the day. But in rural settlements such conditions are not exceptional, or even particularly unusual. The route in question has footways throughout, and is evidently used by existing residents. There is no suggestion that any local roads within Horstead or Coltishall are inherently unsafe.
 17. There is no doubt in my mind, that in practice the majority of trips from the appeal site would be likely to be by car. But that would apply equally to most other housing developments in rural areas, and indeed many elsewhere. Given the range of services that are available locally, it is likely that a good proportion of such trips, by all modes, would be quite short. And given the distances involved, other more sustainable travel options would be available.
 18. For some purposes, including non-local employment, secondary or higher education, weekly shopping and major purchases, longer journeys would be needed. To that extent, the development now proposed would be, as the Council say, reliant on higher-order centres. But that seems to me to be already taken account of in Horstead and Coltishall's designation as a settlement where some new housing can be accommodated, where the development is small in scale. The appeal proposal for one dwelling clearly fits within that scale parameter.
 19. I note that NPPF paragraph 103 advises that the differences between urban and rural locations, in terms of the opportunities for sustainable transport, should be taken into account in decisions. This advice reinforces the view that I have already come to, based on the above site-specific considerations.
 20. I conclude that the accessibility of the proposed development to local services and facilities would be acceptable, and that the scheme would avoid excessive reliance on private car. In this respect it would accord with the aims of the relevant policies, including JCS Policy 1.

Effects on the area's character and appearance

21. DMDPD Policy GC4 requires, amongst other things, that developments achieve high standards, and avoid any significant detrimental impacts, on the environment, or on the character and appearance of an area.

22. The appeal site is located on the south side of Frettenham Road, within a small cluster existing dwellings on the village fringe. This cluster is separated from the settlement boundary by some allotments. To the east, the appeal site adjoins two existing bungalows. To the west of the site is the dwelling known as The Paddocks, which occupies an elevated position. The rather formal-looking hard landscaping treatment across the large front garden of this property gives the area something of a suburban appearance. To the rear is a small trading estate, based on a group of former agricultural buildings, with a paved driveway, brick piers and multiple signage around the entrance. Further to the east and south, this whole group of buildings and land uses is encircled by the built-up area of Horstead.
23. To the north of Frettenham Road, opposite the appeal site, is an area of moderately attractive open country, mainly comprising horse paddocks, interspersed by hedges and tree belts. The landscape of that area is open and undeveloped, and thus quite different from the land to the south of the road, around The Paddocks. Overall, this latter part of the village fringe, which includes the appeal site, seems to me clearly and significantly more closely related to the village, both visually and functionally, than to the countryside to the north and west. As such, the appeal site makes little contribution to the wider landscape.
24. I have had regard to the contents of the Broadland District Landscape Character Assessment Supplementary Planning Document, dated 2013. However, I note that in that document the appeal site and adjoining properties to the south of Frettenham Road are included in the same character area as the built-up area of Horstead and Coltishall. Whereas, the open country immediately to the west of The Paddocks, and all the land to the north of the road, are placed in a different character area. This reinforces my view that the appeal site relates more strongly to the village than to the countryside.
25. Given the proximity of the countryside, and the contribution that the views to the north and west make to the village's setting, the location is not without some sensitivity, but to my mind that is a matter that can be addressed through detailed design. Although the present appeal proposal reserves all details for later consideration, all the important matters of size, height, style and materials are all capable of being controlled through reserved matters or other conditions. I therefore see no reason why an acceptable design should not be achieved which fully respects the site and its surroundings.
26. Consequently, and taking all these matters into account, I conclude that the development now proposed would cause no material harm to the character or appearance of the area. In this regard, the proposal would meet the relevant requirements of Policy GC4.

Other matters

27. I acknowledge the matters raised by some objectors with regard to the narrowness and condition of Frettenham Road, and its history of flooding. However, I note that the Highway authority has considered these matters and raises no objection.
28. I also appreciate the concerns relating to privacy, overshadowing and loss of outlook, and in this regard I saw on my visit that the adjoining property The Bungalow has a number of windows close to the boundary. But nevertheless,

the appeal site appears large enough to allow for a new dwelling to be sited and designed to avoid any unacceptable impacts on living conditions. These issues can therefore be addressed through detailed design, at the reserved matters stage.

29. The Council's published figures indicate a 5.89 years' supply of land for housing development. I note the appellants' submissions, challenging several elements of these figures, but in view of the conclusions that I have come to on the other issues in this appeal, it is not necessary for me to explore this topic any further. The housing targets derived from the JCS are clearly not intended as a ceiling, and even if sufficient sites can already be identified, that does not justify withholding permission where additional sites come forward that are found to be acceptable in planning terms.
30. The proposed development would help, in a modest way, to boost the supply of rural housing, to support the social vitality of Horstead and Coltishall, and the viability of their existing village facilities. It would also make a contribution to the local economy, particularly in the small building sector, but also in local supply chains and allied services. These economic and social benefits, albeit minor, add some further weight in support of the appeal.

Conditions

31. Having considered the conditions suggested by the Council, I agree that the majority of these should be imposed. In particular, a condition restricting the proposed new dwelling to single storey height is necessary, to ensure a satisfactory visual relationship to its nearest neighbours. Conditions relating to access, visibility, entrance gates and car parking are all needed, for reasons of highway safety.
32. However, it would not be reasonable or necessary at this stage to rule out any accommodation or windows within the roof, as matters relating to detailed design can be adequately considered at the reserved matters stage. Nor is it appropriate to impose a condition specifying the approved plans, as all details are reserved. Materials can be controlled as part of the details of appearance. Water usage is covered by Building Regulations.

Conclusions

33. For the reasons set out above, I have found that the proposed development would provide adequate access to local services and facilities, and would leave the area's character and appearance unharmed. In these respects the appeal proposal would comply with the relevant provisions of JCS Policy 1 and DMDPD Policy GC4. In this case, compliance with these policies is also sufficient to satisfy Policy GC2, which controls but does not preclude development outside the settlement boundary. The scheme therefore accords with the development plan as a whole.
34. The social and economic benefits also weigh in favour of the proposal. No material considerations have been identified that weigh against.
35. I have taken account of all the other matters raised, but none changes these conclusions. The appeal is therefore allowed.

J S Felgate

INSPECTOR

SCHEDULE OF CONDITIONS

The planning permission to which this decision relates is granted subject to the following conditions:

- 1) The development hereby permitted shall not be commenced until details of the access, appearance, landscaping, layout, and scale (hereinafter called "the reserved matters") have been submitted to the local planning authority and approved in writing. Thereafter, the development shall be carried out in accordance with the approved reserved matters.
- 2) Application for approval of the reserved matters shall be made to the local planning authority not later than 3 years from the date of this permission.
- 3) The development shall be commenced not later than 2 years from the date of approval of the last of the reserved matters to be approved.
- 4) The height of the proposed new dwelling/bungalow shall not exceed that of a single storey building with a pitched roof.
- 5) The development shall not be occupied until a vehicular access into the site has been constructed, in accordance with a detailed access design and specification to be submitted to the local planning authority and approved in writing. The access design and specification shall include detailed proposals for the drainage and disposal of surface water from the site, avoiding any discharge onto the highway.
- 6) The development shall not be occupied until a visibility zone has been established across the site frontage. The visibility zone shall cover an area 2.4m in depth, measured from the nearside edge of the highway carriageway, and shall extend across the whole of the site's width. Within this zone there shall be no permanent or temporary obstruction to visibility above 0.6m high, measured from the level of the nearest part of the carriageway. Thereafter, the visibility zone shall be retained in this form at all times.
- 7) Any entrance gates, bollards or chains shall be set back a minimum of 5m from the nearside edge of the highway carriageway. In addition, any such gates shall be hung to open inwards, so as to allow a waiting vehicle to pull fully clear of the highway, and at right-angles to the carriageway.
- 8) The details of layout to be submitted under Condition 1 above shall include provision for the parking of two cars within the site, together with space for manoeuvring and turning, to enable all vehicles to enter and leave the site in forward gear.

[END OF SCHEDULE]