



Appeal Decision

Site Visit made on 14 September 2021

by Philip Mileham BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29 September 2021

Appeal Ref: APP/L2630/W/21/3271670

40 Ketts Oak, Hethersett, NR9 3DJ

- 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 Miss Hannah Gowing against the decision of South Norfolk District Council.
 - The application Ref 2020/1941, dated 14 October 2020, was refused by notice dated 9 December 2020.
 - The development proposed is outline planning for a detached dwelling in the garden of 40 Ketts Oak.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The appeal proposal seeks planning permission in outline form with all matters reserved for future consideration. The proposal is accompanied by an indicative plan showing the potential siting of the proposed dwelling and I have had regard to this in my determination of this appeal.
3. Since the appeal was submitted, a revised National Planning Policy Framework (NPPF) has been published and I have had regard to this in my determination.

Main Issue

4. The main issue is whether the proposal is in a suitable location for a new dwelling having regard to local and national policy.

Reasons

5. The appeal site is a flat area of land which appears to form part of the side garden of No. 40 Ketts Oak, Hethersett. The site is bounded to the front boundary by a low fence and hedge of around 1.5 metres high and to the rear by a hedge of around 2 metres high. The area is part of a linear row of single and two storey dwellings which, according to the appellant's measurements, is separated by a distance of around 330 metres from the edge of the main part of the village. Hethersett has a number of services and facilities and the site is connected to the village by a path and cycleway which is lit. The site is also close to bus stops which would allow access to higher order settlements for shopping and services.
6. Policy DM1.3 of the South Norfolk Local Plan Development Management Policies Document ('the DMPD') (2015) indicates that outside of the development boundaries of settlements permission for development will only be granted

where specific policies allow for such, or where otherwise overriding economic, social and environmental matters are demonstrated. Paragraph 1.21 of the supporting text seeks to guide new development to sustainable solutions and locations in accordance with the settlement hierarchy, and Policy DM1.3 sets out how the strategy is to be implemented focusing on development of allocated sites, and within defined development boundaries.

7. There is no dispute between the parties that the site is outside the development boundary of Hethersett. As such, it is necessary to consider the proposal's benefits against policy DM1.3(2)(d) in order to ascertain whether these would be overriding as the policy requires. The appeal proposal would provide economic benefits through the spending arising from future residents of the dwelling and further economic benefits would be realised in terms of the proposal's construction and in the supply-chain. The appellant also identifies that the appeal proposal would generate New Homes Bonus payments and increased Council Tax receipts. The proposal would result in social benefits arising from new residents using local services and facilities which would assist their general vitality and viability, and the provision of an additional dwelling would also make a positive contribution to meeting housing needs in the area.
8. In terms of environmental considerations, I consider there would be no harm arising in terms of the environment, and although precise design and layout would be reserved for further consideration, the retention of the northern hedge boundary would be desirable in any event. I consider that retaining the hedge boundary would therefore only have a neutral effect on the proposal rather than a benefit. No other environmental enhancements have been indicated, and as such, I do not consider environmental benefits to have been adequately demonstrated.
9. The appeal proposal would provide an infill between No.40 and No.42 Ketts Oak and the indicative plan shows that a dwelling could be accommodated within the site and be could be positioned to match the existing building line. Due to the presence of adjacent dwellings, the proposal would not result in an isolated dwelling which paragraph 80 of the NPPF seeks to avoid. The appellant considers there would be no harm to the character and appearance of the area and would not erode the 'strategic gap' between the settlements of Wymondham and Hethersett to which I would concur. Whilst the appellant considers the site to be under-utilised, at the time of my visit the site appeared to be well maintained and did not visibly detract from the overall character of the area and would therefore be a neutral factor in my consideration.
10. Whilst I find that the appeal proposal would have some benefits in terms of social and economic considerations, these would be limited due to the proposal being for a single dwelling. In the case of New Homes Bonus and Council Tax, these are common to residential proposals and would be of limited benefit as the proposal would only provide a single dwelling. The lack of demonstration of environmental benefits is such that this requirement of DM1.3(2)(d) would not be met. Although economic and social benefits would arise, I do not consider them to be at a level sufficient to be considered as overriding in terms of its ordinary meaning as the policy requires. As a result, I consider the proposal would not comply with policy DM1.3 of the DMPD.
11. The appellant has drawn my attention to other schemes permitted in the vicinity of the appeal site including a scheme approved in 2018 on land to the

rear of Nos. 86 and 88 Ketts Oak, and a scheme approved in the year 2000 at 'Hollybrook'. Whilst I do not have full details of these schemes before me, the LPA has indicated that that development to the rear of Nos. 86 and 88 was approved at a time when it could not demonstrate a 5 year land supply. In addition, I note that the scheme at Hollybrook appears to predate both the DMPD and the NPPF. As such, due to the different policy circumstances of the nearby schemes highlighted, I consider that they are not directly comparable to the circumstances presented with this appeal proposal. Therefore, these do not alter my findings.

12. In light of the above, I conclude that the proposal would not be in a suitable location for a new dwelling having regard to local and national policy. As such, it would be contrary to policy DM1.3(2)(d) of the DMPD (2015) as set out above.
13. The proposal would also fail to accord with paragraph 12 of the NPPF which indicates that where a proposal conflicts with the development, permission should not usually be granted.

Conclusion and planning balance

14. The appellant has acknowledged that the Local Planning Authority (LPA) can demonstrate a 5 year housing land supply. I consider that the relevant policy for the determination of this proposal DM1.3, whilst setting a high bar in terms of the requirement for benefits to be 'overriding', accords with the principles of the Framework and is therefore up to date. As a result, the so-called 'tilted balance' in the NPPF would not be engaged. Although the demonstration of a 5 year land supply is not a minimum figure, the addition of an extra dwelling would make a positive contribution to meeting housing need in the area. However, I consider this contribution would be limited as the proposal is for a single dwelling.
15. The benefits from construction and in the supply-chain would be temporary and again, would be limited due to being for a single dwelling. The social benefits arising from new residents and the contribution to addressing housing need from a single dwelling would also be limited. Furthermore, in light of the neutral effect in terms of environmental objectives, I do not consider environmental benefits have been demonstrated. As such, the benefits identified are not sufficient to meet the requirements of policy DM1.3 of the DMPD and would not, therefore, outweigh the conflict with the development plan when read as a whole. As such, there would be no considerations which would indicate a determination of this appeal otherwise in accordance with the development plan.
16. Therefore, for the reasons set out above, the appeal is dismissed.

Philip Mileham

INSPECTOR