
Appeal Decision

Site visit made on 14 October 2021

By Terrence Kemmann-Lane JP DipTP FRTPI MCMI

an Inspector appointed by the Secretary of State

Decision date: 25 October 2021

Appeal Ref: APP/L2630/W/21/3273350

Land North of Staithe Road, Burgh St Peter, NR34 0BN

- 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 Kenny Girling against the decision of South Norfolk District Council.
 - The application Ref. 2021/0059 dated 11 January 2021, was refused by notice dated 5 March 2021
 - The development proposed is the erection of single storey dwelling, garaging and all associated works.
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Decision

1. The appeal is dismissed.

Preliminary matters

2. The application was in outline with only access to be considered at this stage.

Main Issues

3. The main issues in the case are: i) the suitability of the site for residential development; and ii) the effect of the development on the character and landscape of the area.

Reasons

4. The appeal site is located on an area of vacant grassland situated on the north side of Staithe Road. It is accessed by an existing field gate, which is shown as the means of access to the proposed development. To the west of the site there is a track providing access to agricultural land, on the other side of which is a bungalow 'Little Lodge'. To the east, separated by an open area, are a pair of semi-detached dwellings, Potts Pits cottage and Potters. The distance between Little Lodge and Potts Pits cottage is about 75 m. The south side of Staithe Road, opposite the appeal site, has a ribbon of development that extends from a cross roads to the west. The cross roads, where Staithe road becomes Beccles Road, is some 190 m from Little lodge. The settlement boundary includes the ribbon of development opposite the appeal site together with development around the cross roads, to the west of Pit Road and on both sites of Mill Road.

The suitability of the site for residential development

5. The starting point in considering the appeal proposal is the policies of the Development plan. Policy DM1.1 of the South Norfolk Local Plan Development Management Policies Document 2015 (SNLP) states that 'The Council will take a positive approach that reflects the presumption in favour of sustainable development.....', which accords with the presumption in favour of sustainable development in the National Planning Policy Framework (the Framework). Policy DM1.3 states "*1) All new development should be located so that it positively contributes to the sustainable development of South Norfolk as led by the Local Plan. The Council will work with developers to promote and achieve proposals that are: a) Located on allocated sites or within development boundaries of the Settlements defined on the policies map comprising the Norwich fringe, main towns, key service centres, service villages and other villages and b) Of a scale proportionate to the level of growth planned in that location, and the role and function of the settlement within which it is located as defined in the Local Plan'. 2) Permission for development in the Countryside outside of the defined development boundaries of Settlements will only be granted if: c) Where specific Development Management Policies allow for development outside of development boundaries or d) Otherwise demonstrates overriding benefits in terms of economic, social and environment dimensions as addressed in Policy 1.1".*
6. Burgh St Peter, is defined within the category 'Other Villages', which is the category of the smallest and least well serviced of settlements. Within Burgh St Peter there is a village hall and public house but the closest primary school is 5km away and the road network consists of mainly rural lanes with no footpath. There is a bus service that runs from Beccles to Norwich and stops on Mill Lane but this is a limited service. Since the appeal site lies outside the settlement boundary, for policy purposes it is in the countryside, and therefore comes with part 2 of policy DM1.3. As far as item c) is concerned, there are no specific policies that apply here that would allow for the development, and therefore it is item d) that governs consideration of the appeal site as a location for a dwelling, requiring the demonstration of overriding benefits in terms of economic, social and environment dimensions.
7. At this point I need to refer to the South Norfolk Village Clusters Housing Allocations Plan (VCHAP), that the council has recently published for consultation, drawn to my attention by the appellant. The document seeks to provide housing allocations within rural villages; Burgh St Peter has been included as a village where a new allocation is proposed. This proposed allocation is for provision of up to 12 dwellings; it is on the north side of Staithe Road and runs from the west side of Little Lodge, with a small nib of land to the north of that bungalow, across to Pit Road at the cross roads.
8. The VCHAP is at the consultation stage under Regulation 18. This means that the responses to consultation are not yet known, nor what if any, amendments may be made before it is submitted to the Planning Inspectorate for examination. Since it is at such an early stage, whilst it is a material matter, it can carry very little weight.
9. The council states that it can demonstrate a five-year housing land supply, and therefore the 'tilted balance' of paragraph 11 of the Framework does not apply. Nevertheless, the appellant draws attention to the Framework's presumption in favour of sustainable development. Whilst it is true that the site is within

walking distance of local services, which include the village hall, a public house and business park, and the village is served by a regular bus service to destinations such as the nearby market town of Beccles, in my judgement it is very likely that the occupants of the proposed dwelling would be largely reliant on the use of a car to make their daily journeys. I do not regard the appeal proposal as being sustainable. I appreciate that paragraph 68 of the Framework (now paragraph 69 of the 2021 version) makes the point that small and medium sized sites make a contribution to housing supply, and are often built-out relatively quickly, and that consideration would apply here.

10. The other benefits of the proposal are that it would produce 1 additional dwelling, provide a degree of economic activity during the construction phase and may well give some support to local services such as the village hall and the public house. On the other hand, I do not see that it would bring any environmental advantage.
11. In the light of these considerations, I consider that there is nothing which amounts to a demonstration of overriding benefits in terms of economic, social and environment dimensions, as required by policy DM1.3, 2), d). 'Overriding benefits' sets a high bar, and must imply something that surmounts other considerations. That has not been demonstrated in this case.

The effect of the development on the character and landscape of the area.

12. Burgh St Peter is a small settlement, reached by rural lanes and set within a landscape of mainly agricultural countryside. Policy DM 4.5 of the SNLP 'Landscape Character and River Valleys' requires "*All development to respect, conserve and where possible, enhance the landscape character of its immediate and wider environment*". The site falls within the C2 - 'Thurlton Tributary Farmland with Parkland' landscape character area. The Landscape Character Appraisal (LCA) notes that the key characteristics of the landscape include: a landscape of both openness and enclosure with open views to the Broads and enclosure provided by the varied topography and tree cover, predominantly arable farmland with woodland, relatively sparsely settled and a sense of remoteness and peacefulness. The development considerations include 'conserve the relatively sparsely settled character with occasional larger villages and scattered isolated settlements and farms; conserve the rural character of the road and lane network which cross the area; and contain development on settlement edges and avoid linear extensions to settlement' ('contain' in this context I take to mean 'restrict').
13. Certainly what I saw at my site visit was a landscape with open views combined with a degree of enclosure from hedgerows and woodlands, one with isolated settlements and farmsteads, and a crisscrossing of lanes. Clearly 1 bungalow would not, by itself, be highly damaging to this character and landscape, but it is only by the exercise of careful control that the situation will not change by gradual incremental harm. Framework paragraph 174 (was paragraph 170 in the 2019 version) requires planning policies and decisions to contribute to and enhance the natural and local environment by: "*b) recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland;*".

14. Policy DM 4.5 seeks to achieve the aims of paragraph 174, and carries substantial weight. Nothing in the case for the proposed development persuades me that it would not be contrary to this policy.

Conclusions

15. The site is outside of the settlement boundary, where the relevant policy is clear that only in exceptional circumstances will development proposals be supported. I have found that the appeal site is not in a sustainable location, and that the balance of considerations leads firmly to the conclusion that it would be harmful to the intention of the policies, without any consideration that would amount to exceptional circumstances. To allow the proposal without clear and convincing reasons for doing so would make it all the more difficult to resist similar applications.
16. Whilst there are three existing dwellings to the north of Staithe Road, the vast majority of this side of the road has a very rural appearance, with development set to the south of Staithe Road within the development boundary. Whilst the site is located between two existing dwellings, the gap is wide and this part of Staithe Road is a transition from the village to open countryside and the open and natural character of the northern side of the road contributes to the rural character. The introduction of a new dwelling, garage and the associated residential paraphernalia would alter the character of the immediate area, infilling the space between the residential sites on this side of the road and eroding the rural character.
17. My conclusion is that the proposal conflicts with Policies DM1.1, DM1.3, and DM4.5 of the SNLP. Without substantial reasons to overcome this conflict, the appeal must be dismissed.

Terrence Kemmann-Lane

INSPECTOR