
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: 02 November 2021

Appeal Ref: APP/K2610/W/21/3270643

90 Lower Street, Salhouse, Norwich, NR13 6AD

- 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 Ingram Homes against the decision of Broadland District Council.
 - The application Ref. 20201960 dated 9 October 2020, was refused by notice dated 2 March 2021.
 - The development proposed is the erection of 4 single storey dwellings, bin store and new access drive.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of 4 single storey dwellings, bin store and new access drive at 90 Lower Street, Salhouse, Norwich, NR13 6AD in accordance with the terms of the application, Ref 20201960, dated 9 October 2020, subject to the conditions set out in the Schedule at the end of this decision.

Main Issue

2. The main issue in the case is the suitability of the site for residential development, taking into account the location within a conservation area.

Reasons

3. The village of Salhouse is located in open countryside around 6 miles to the north-east of Norwich and on the edge of the Norfolk Broads. Salhouse benefits from a range of local facilities and services, including a primary school, village shop/post office, craft shop/tea room, hairdresser, public houses, village hall, playing fields and places of worship. A number of small businesses operate from the village, and there is a small industrial estate off Station Road. Regular bus services link Salhouse to Norwich and Wroxham, and train services to Norwich and the North Norfolk coast are run from Salhouse Station.
4. The starting point is the policies of the development plan. The policies of particular relevance to this appeal are Policies 1 and 2 of Broadland, Norwich and South Norfolk Joint Core Strategy (JCS) 2011 with amendments in 2014; GC1, GC2, GC4 and EN2 of the Broadland Development Management Development Plan Document (DM DPD) 2015; and H1 and OE1 of the Salhouse Neighbourhood Plan (SNP) of 2017. These policies protect environmental assets, provide a presumption in favour of sustainable development, restrict development outside defined

settlements limits (other than in circumstances that are not applicable here), promote good design, and protect landscape character.

5. The National Planning Policy Framework (the Framework)¹ is not development plan policy, but is an importance material consideration. Paragraphs 8 and 9 set out the 3 overarching objectives of achieving sustainable development; these objectives are economic, social and environmental. *"These objectives should be delivered through the preparation and delivery of plans and the application of the Framework's policies. Planning policies and decisions should play an active role in guiding development towards sustainable solutions, but in doing so should take local circumstances into account, to reflect the character, needs and opportunities of each area"*.
6. The council states that it is able to demonstrate a 5 year supply of housing land, and therefore the 'titled balance' set out in paragraph 11 of the Framework does not apply. However, there are other parts of the framework that have a bearing on the decision in this case. Paragraph 60 refers to the objective of *"significantly boosting the supply of homes"* and *"it is important that a sufficient amount and variety of land can come forward where it is needed"*. Paragraph 79 states *"To promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. Planning policies should identify opportunities for villages to grow and thrive, especially where this will support local services"*. Paragraph 174 b) requires *"recognising of the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services"*.
7. The settlement limits for Salhouse are drawn around 3 separate elements of the village. At the south-west end there is an enclave along Station Road which runs between Norwich Road (the B1140) and the railway line. There is a middle, larger area of the settlement, situated between Norwich Road and Lower street, and at small area at the north-east end of the village at and beyond the junction of Lower Street and Upper Street. The council explains that the 3 separate elements were defined purposely to retain the gaps within the village which form an important part of its character.
8. The appeal site is located off Lower Street, situated on the edge of the large middle part of the village. The access and the bungalow at No. 90 are within the settlement limits, but the boundary is drawn tightly around what can be discerned as the immediate curtilage of that dwelling. The appeal site lies to the west of No. 90 being partly front garden and partly paddocks at the rear of the neighbouring houses at No. 92 and 94. The site slopes up fairly steeply from Lower Street, to a point broadly level with the dwelling at no 90, where the levels fall gently to the rear.
9. The council states that the appeal site forms part of an important gap in the village. It is true that from the access to No 92 Lower Road, the edge of the highway is lined by tall and dense hedging until the house on the bend is reached, just before the boundary of the third element of the village. As a result there is a gap in frontage development, so that Nos. 92

¹ The quotations are from the Framework are taken from the 2021 version that replaced the February 2019 version; some of the paragraph numbers have changed, but the text quoted is unchanged in meaning.

and 94 are effectively hidden from view: the same would be true of the appeal development. The council describes the formation of the access as a significant engineering operation, likely to require retaining features. But from my assessment on site, I accept the appellant's statement that the access drive would be constructed to follow the existing form and contours of the land and no retaining features are proposed or necessary.

10. The whole of the curtilage of No. 90 is within the conservation area, but the main part of the appeal site, behind Nos. 92 and 94 Lower Street is outside the area. Since the appeal site is partly within a conservation area, I am required to pay special attention to the desirability of preserving or enhancing the character and appearance of the conservation area. The position and scale of the proposed dwellings mean that they would be largely screened with vegetation with only a glimpsed view from Lower Street, and the access itself would be a minor change from what is there already. On collection day, the bins would be conspicuous, but no more so than those of all the other dwellings within the area. I am satisfied that there would be a low level of less than substantial harm to the character and appearance of the conservation area arising from the appeal development: the character and appearance of the area would be preserved, since no material change would occur.

Conclusions

11. Drawing my conclusions on the above matters, it is clear that the majority of the appeal site is outside the settlement limits of Salhouse, and therefore the proposed development runs counter to policy GC2 of the DM DPD and policy H1 of the SNP. Set against this is the fact that Salhouse, including the appeal site, is a sustainable village, with a range of facilities and connections to larger settlements. Furthermore, the settlements marked with an * in the JCS are within the Norwich Policy Area and may be considered for additional development if necessary to help deliver the 'smaller sites in the NPOA' allowance. To a degree the proposal would be consistent in broad terms with the council's spatial strategy where new small scale housing will be permitted in service villages.
12. In this connection, I note that the SNP policy H1, whilst requiring housing development to be within the settlement limits, unless it is consistent with other development plan or national policies for housing in the countryside, requires "*Development proposals to be small in scale and expected to demonstrate a high quality of design which will maintain and contribute to local distinctiveness by respecting the character of neighbouring development and the village as a whole in terms of height and density. In the context of this policy 'small scale' will reflect the organic growth the village has been subject to since records are available from 1974, being circa 5 new houses per annum this being the average rate of annual development*". I also see that a site was allocated outside the settlement limits of Salhouse, accessed from Norwich Road. This clearly encroached on the open countryside and appears to have been fully developed.
13. The proposal would also be consistent with the guidance set out in paragraph 78 of the NPPF which indicates that to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities; and with the

Government's drive to significantly boost the supply of housing. This is relevant irrespective of whether the Council can demonstrate a 5-year supply of land or not. In these respects, the proposal would support the social and economic dimensions of sustainability as defined in the NPPF.

14. Taking account of these and all other matters raised, I conclude that the only substantial policy standing against the appeal proposal is policy GC2 of the DM DPD due to the site being (just) outside the settlement limits. However, the site is in a sustainable location, as is the rest of the village. Its development would not erode the perceived gap between the elements of the village area, and I therefore conclude that the appeal should be allowed.

Conditions

15. The council has suggested a number of conditions that it considers should be imposed on any planning permission. I have considered these in the light of Planning Practice Guidance (PPG). To ensure compliance with PPG I have amended some of the text.
16. I am imposing the conditions for the following reasons: condition 2 is required for certainty and to make clear what is permitted; 3 is to ensure that the appearance of the materials to be used in the development is satisfactory; 4, 5, 6, 7 and 8 are to ensure satisfactory conditions on the highway for safety and convenience of users, and to prevent water and loose material on the highway; 9, 10, 11 and 12 are to ensure a satisfactory appearance to the development in terms of landscaping and tree protection; 13 is to ensure appropriate boundary treatments are provided for the benefit of future occupiers and the appearance of the development; 14 is to ensure that ecological enhancement of the development takes place; 15 is to ensure that any contamination is dealt with safely for the protection of future occupiers, neighbours together with controlled waters, property and ecological systems; 16 and 17 are to ensure proper foul and surface water drainage is provided to avoid pollution and flooding.

Terrence Kemmann-Lane

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the application form, plans and drawings, Nos. 19 076 00 D, 19 076 01C, 19 076 02 G, 19 076 03 C, 19 076 04 C, 19 076 05 C, 19 076 06 C, 19 076 07 D, 19 076 08 D, 19 076 09, 19 076 10 A, 19 076 11 C, 19 076 12 C, 639170-TCP-DT.
- 3) Development shall not progress above slab level until details, including colours where required, of the materials used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the local planning authority. The development shall then be constructed in accordance with the approved details.
- 4) Prior to the commencement of the first occupation of the dwellings the vehicular access indicated for improvement on Site Layout Drawing No. 19 076 02 F shall be upgraded/widened to a minimum width of 5 metres, and provided with kerb radii of 4 metres, for the first 5 metres as measured back from the near channel edge of the adjacent carriageway, constructed in accordance with details to be agreed in writing by the Local Planning Authority. Arrangement shall be made for surface water drainage to be intercepted and disposed of separately so that it does not discharge from or onto the highway carriageway.
- 5) The gradient of the vehicular access shall not exceed 1:12 for the first 5 metres into the site as measured from the near channel edge of the adjacent carriageway.
- 6) Prior to the first occupation of the dwellings hereby permitted
 - a visibility splay measuring 51.4 metres x 2.4 metres shall be provided to the south west of the access where it meets the highway
 - a visibility splay measuring 44.5 metres x 2.4 metres shall be provided to the north east of the access where it meets the highwayThe splays shall thereafter be maintained at all times free from any obstruction exceeding 0.225 metres above the level of the adjacent carriageway.
- 7) Notwithstanding the details indicated on the submitted drawings, no works above slab level shall commence on site until detailed drawings for the off-site highway improvement works for a pedestrian pram crossing to be located on the opposite footway between the site access and the bus stop have been submitted to and approved in writing by the Local Planning Authority.
- 8) Prior to the first occupation of the development hereby permitted the off-site highway improvement works (including Public Rights of Way works) referred to in condition 7 shall be completed and written agreement of the Local Planning Authority obtained that this has been completed to a satisfactory standard.

- 9) The development shall not progress above slab level until full details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved during the first planting season after the practical completion of the development. These details shall include:
- 1) existing and proposed finished levels / contours;
 - 2) means of enclosure;
 - 3) car parking layouts;
 - 4) other vehicles and pedestrian access and circulation areas;
 - 5) hard surfacing materials;
 - 6) minor structures (e.g. furniture, play equipment, refuse or other storage units, signs, lighting etc.);
 - 7) proposed and existing functional services above and below ground (e.g. drainage, power, communication cables, pipelines etc. indicating manholes, supports etc.);
 - 8) retained historical landscape features and proposals for restoration, where relevant.

Soft landscaping works shall include:

- a) - planting plans;
- b) - written specifications (including cultivation and other operations associated with plant and grass establishment);
- c) - schedules of plants, including species, plant sizes at time of planting and proposed numbers/densities;
- d) - implementation programme.

Unless the Local Planning Authority gives written consent to any variation, if within a period of TEN years from the date of planting, any tree or plant (or any tree or plant planted in replacement for it), is removed, uprooted or is destroyed or dies, another tree or plant of the same species and size as that originally planted shall be planted at the same place.

- 10) No development work implementing this permission shall take place within 1 metre of the root protection areas until all approved tree protection measures detailed in the Target Trees Report are installed. The approved tree protection measures are to be maintained in good condition and adhered to throughout the construction period. Unless otherwise agreed in writing by the Local Planning Authority, no construction-related activities (for example: storage and/or siting of: vehicles, fuel, materials, site huts or other buildings or ancillary equipment; raising or lowering of ground levels; installation of underground services, drains; lighting of fires etc.) may be undertaken within the identified Construction Exclusion Zones and fenced areas. In the event that any tree become damaged during construction, the Local Planning Authority shall be notified, and remedial action agreed and implemented. In the event that any tree dies or is removed without the prior approval of the Local Planning Authority, it shall be replaced within the first available planting season, in accordance with details to be agreed with the Local Planning Authority.
- 11) Development shall be carried out in accordance with the Target Trees Arboricultural Method Statement.

- 12) No regrading works shall occur within the root protection zones of the oak tree on the road frontage until an arboricultural method statement has been first submitted to and approved in writing by the Local Planning Authority. The works shall be carried out in full in accordance with the approved details.
- 13) Development shall not progress above slab level until a scheme including a plan indicating the positions, design, materials, planting and type of boundary treatment to be erected, planted or retained shall be submitted to and approved in writing by the local planning authority. The boundary treatment shall be completed before the buildings are first occupied. Development shall be carried out in accordance with the approved details and retained as such thereafter.
- 14) Development shall not progress above slab level until full details of the ecological enhancements to be undertaken as part of the scheme and timing for implementation have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in full accordance with the approved details.
- 15) In the event that contamination that was not previously identified is found at any time when carrying out the approved development, it must be reported in writing immediately to the Local Planning Authority. All development shall cease and shall not recommence until:
 - 1) a report has been submitted and agreed in writing by the Local Planning Authority which includes results of an investigation and risk assessment together with the proposed remediation scheme to deal with the risk identified and
 - 2) the agreed remediation scheme has been carried out and a validation report demonstrating its effectiveness has been approved in writing by the Local Planning Authority.
- 16) No foul drainage from the development hereby approved shall be discharged other than to the main sewer. The foul water disposal shall be implemented prior to the first occupation of any of the dwellings and retained as such thereafter.
- 17) No drainage shall be installed until full details of the means of surface water drainage have been submitted to and agreed in writing with the local planning authority. The details should include the results from percolation tests if appropriate and incorporate installation of water efficiency and water saving devices such as rain saver systems. The development shall be carried out in accordance with the agreed details prior to the first occupation of any of the dwellings and shall be retained and maintained as such thereafter.